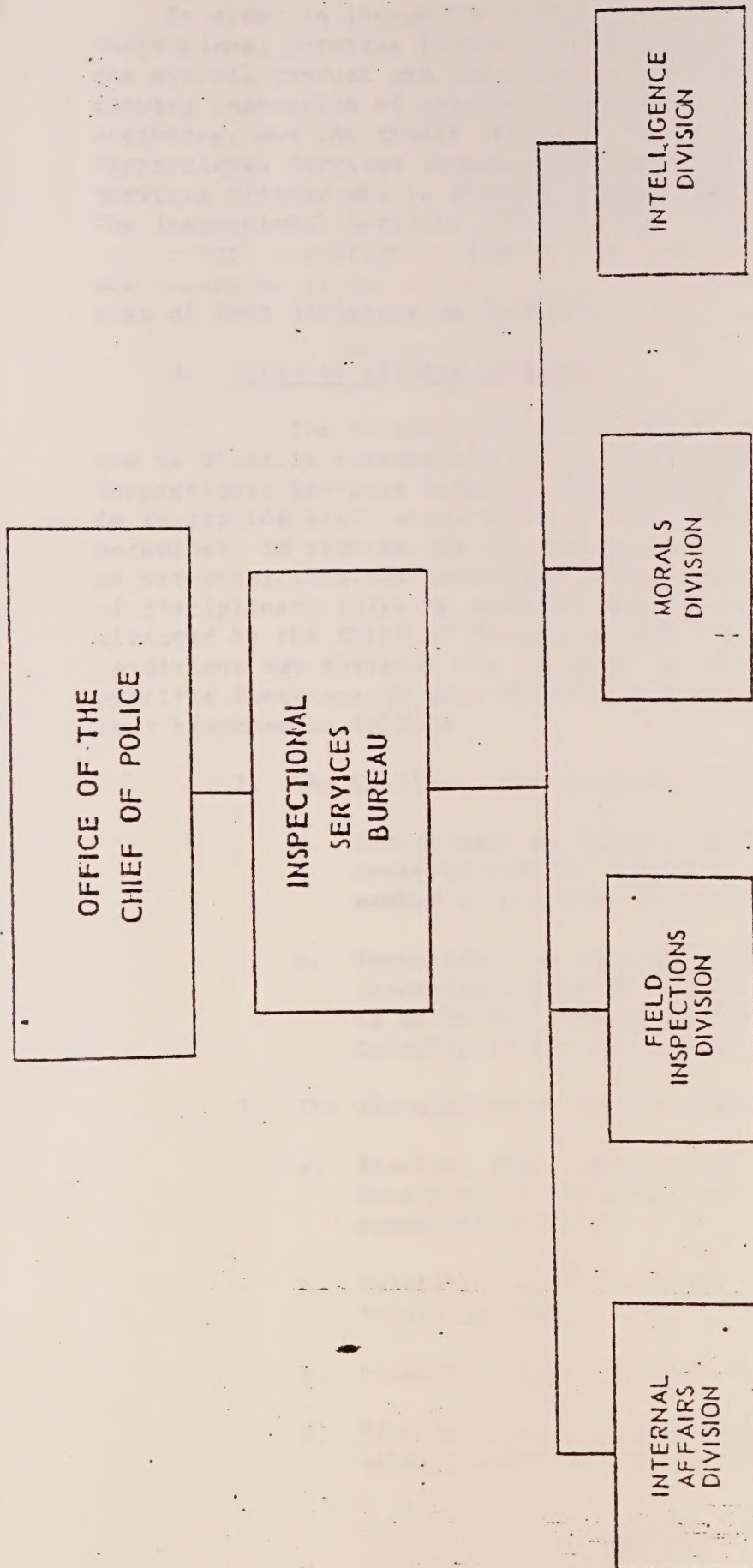


PART VI

INSPECTIONAL SERVICES

BUREAU





In order to insure the effective operation of the department, the Inspectional Services Bureau centralizes staff functions related to the overall conduct and integrity of departmental personnel, the continuing inspection of organizational elements, the suppression of vice activities, and the timely provision of intelligence information. The Inspectional Services Bureau shall be commanded by the Inspectional Services Officer who is directly responsible to the Chief of Police. The Inspectional Services Officer shall provide the direction, coordination, and control necessary to insure the successful accomplishment of the duties and functions of his office. The Inspectional Services Bureau shall consist of four divisions as follows:

A. Internal Affairs Division.

The Internal Affairs Division shall be commanded by a director who is directly responsible to the Inspectional Services Officer, Inspectional Services Bureau. The mission of the Internal Affairs Division is to provide staff supervision of all investigations involving departmental personnel; to provide the department with advice and investigative assistance on personnel problems concerning alleged violations of the law or infractions of disciplinary rules by members; and to conduct critical examinations, as directed by the Chief of Police, of all areas of police activity where conditions may threaten the integrity or morals of the department. The specific functions of this division are organizationally divided among four branches as follows:

1. The Complaint Investigation Branch shall:

- a. Investigate or provide staff supervision of the investigation of complaints made against any member or employee of the department.
- b. Investigate or provide staff supervision of the investigation of all formal complaints referred to it by the Commissioner of the District of Columbia or his authorized agents.

2. The Administrative Branch shall:

- a. Receive, file, and process complaints against departmental employees and prepare statistical summaries thereon.
- b. Maintain a central complaint log of internal investigations.
- c. Provide liaison with the Complaint Review Board.
- d. Provide clerical and administrative assistance to other elements of the division.

3. The General Investigation Branch shall:

Conduct such investigations as may be initiated at the direction of the Chief of Police.

4. The Special Assignments Branch shall:

- a. Identify, monitor, and combat situations, including assignments that are conducive to facilitating corrupt practices.
- b. Conduct investigations of alleged corruption by members of the department, regardless of their duty assignment, to include attempts to corrupt members of the department.

General Order No. 101.12
(Revised 6/24/73)

1. The General Investigation Board shall:

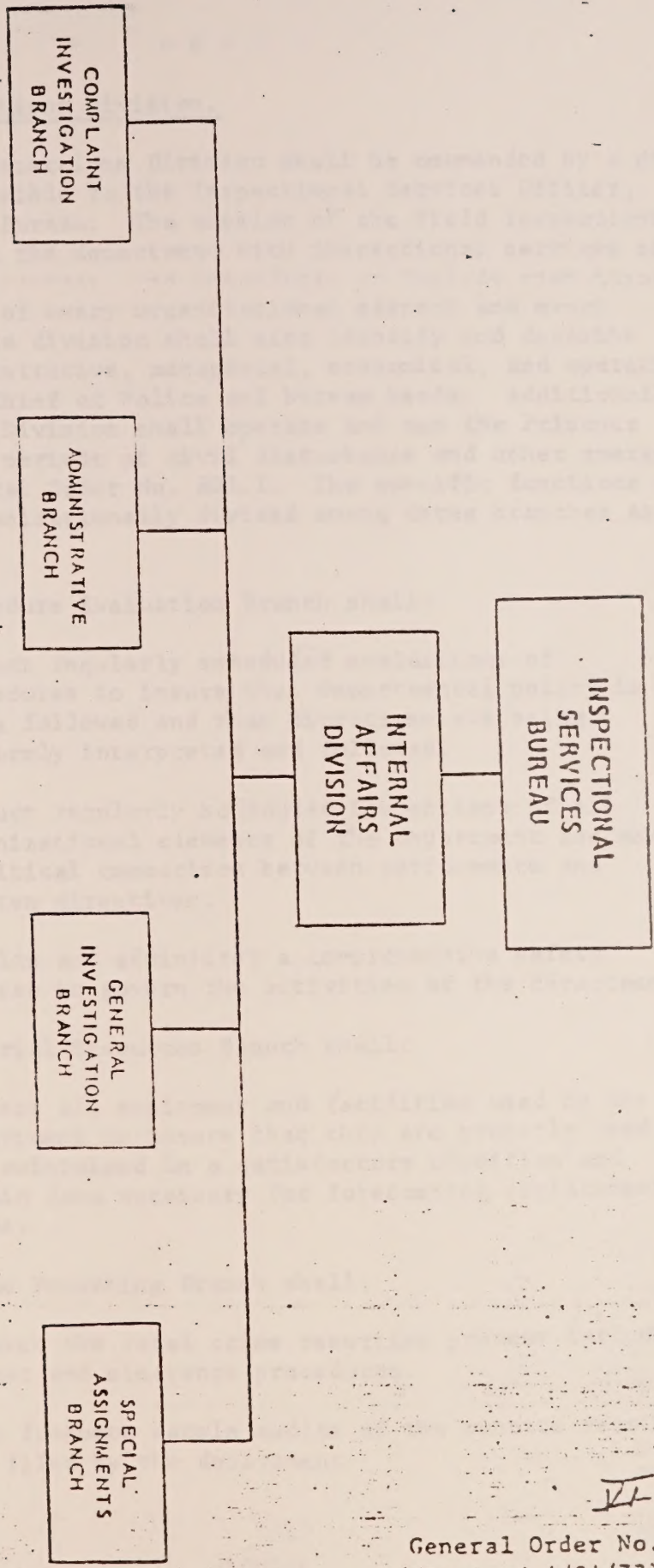
Examine the investigation as well as the
the efficiency of the Chief of Police.

2. The General Investigation Board shall:

Investigate, examine, and report to the
the efficiency of the investigation as well as the
the efficiency of the Chief of Police.

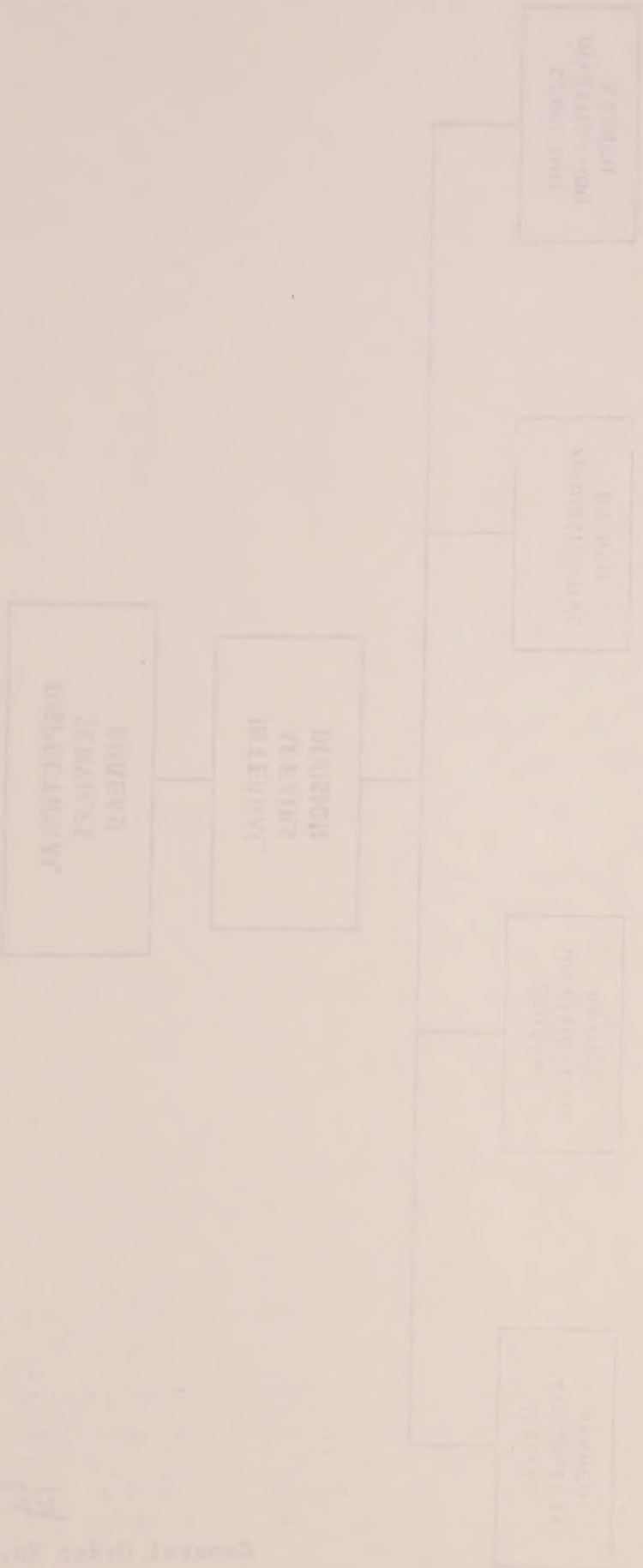
Examine the investigation as well as the
the efficiency of the investigation as well as the
the efficiency of the Chief of Police.

General Investigation Board
General Investigation Board



General Order No. 101.10
(Revised 4/24/73)

2098



B. Field Inspections Division.

The Field Inspections Division shall be commanded by a director who is directly responsible to the Inspectional Services Officer, Inspectional Services Bureau. The mission of the Field Inspections Division is to provide the department with inspectional services of personnel, material resources, and procedures to include open inspection on a continuing basis of every organizational element and every departmental task. The division shall also identify and describe organizational, administrative, managerial, economical, and operational deficiencies for the Chief of Police and bureau heads. Additionally, the Field Inspections Division shall operate and man the Prisoner Control Center during periods of civil disturbance and other emergencies as prescribed in General Order No. 801.1. The specific functions of this division are organizationally divided among three branches as follows:

1. The Procedure Evaluation Branch shall:

- a. Conduct regularly scheduled evaluations of procedures to insure that departmental policy is being followed and that directives are being uniformly interpreted and followed.
- b. Conduct regularly scheduled inspections of all organizational elements of the department and make a critical comparison between performance and written directives.
- c. Develop and administer a comprehensive safety program to govern the activities of the department.

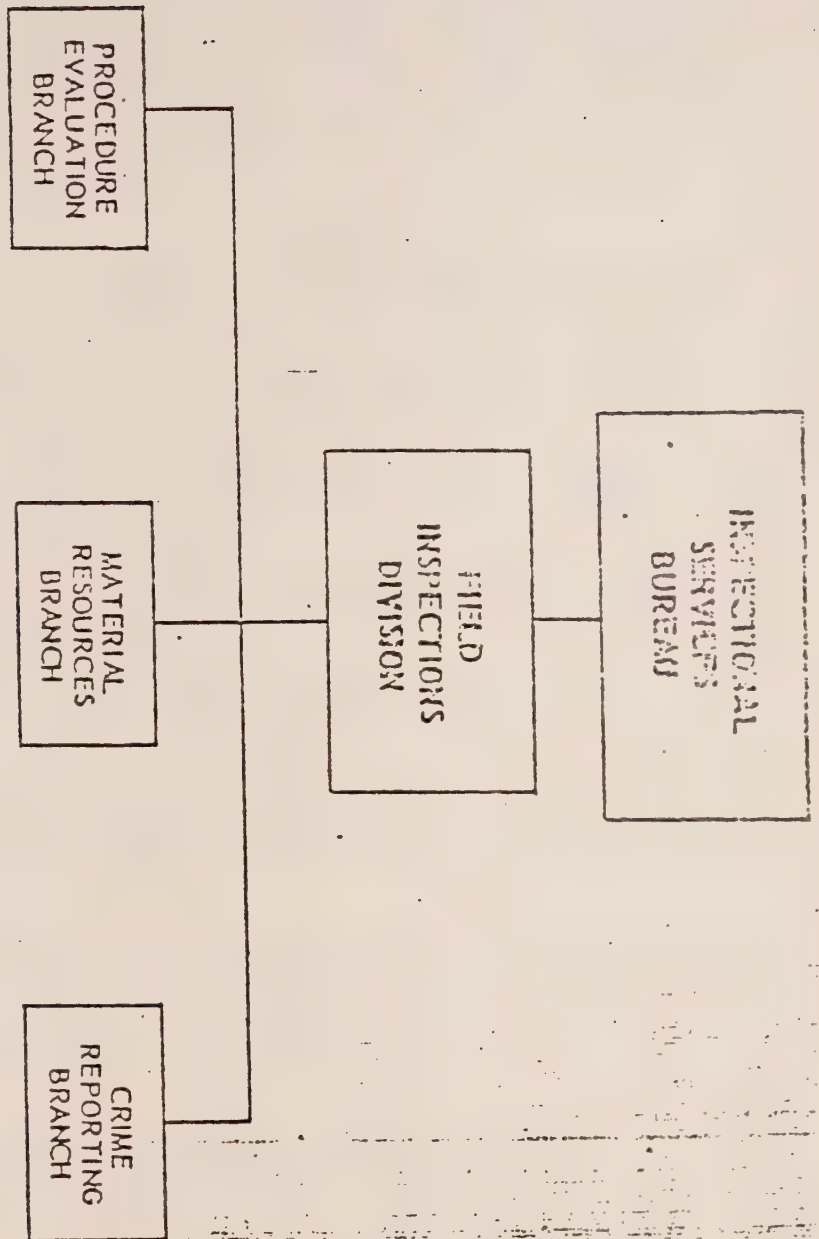
2. The Material Resources Branch shall:

Inspect all equipment and facilities used by the department to insure that they are properly used and maintained in a satisfactory condition and obtain data necessary for forecasting replacement needs.

3. The Crime Reporting Branch shall:

- a. Inspect the total crime reporting process including arrest and clearance procedures.
- b. Make frequent sample audits of the reports received and filed by the department.

- c. Interview complainants to ascertain the quantity -
and quality of police service and the accuracy of
reporting.



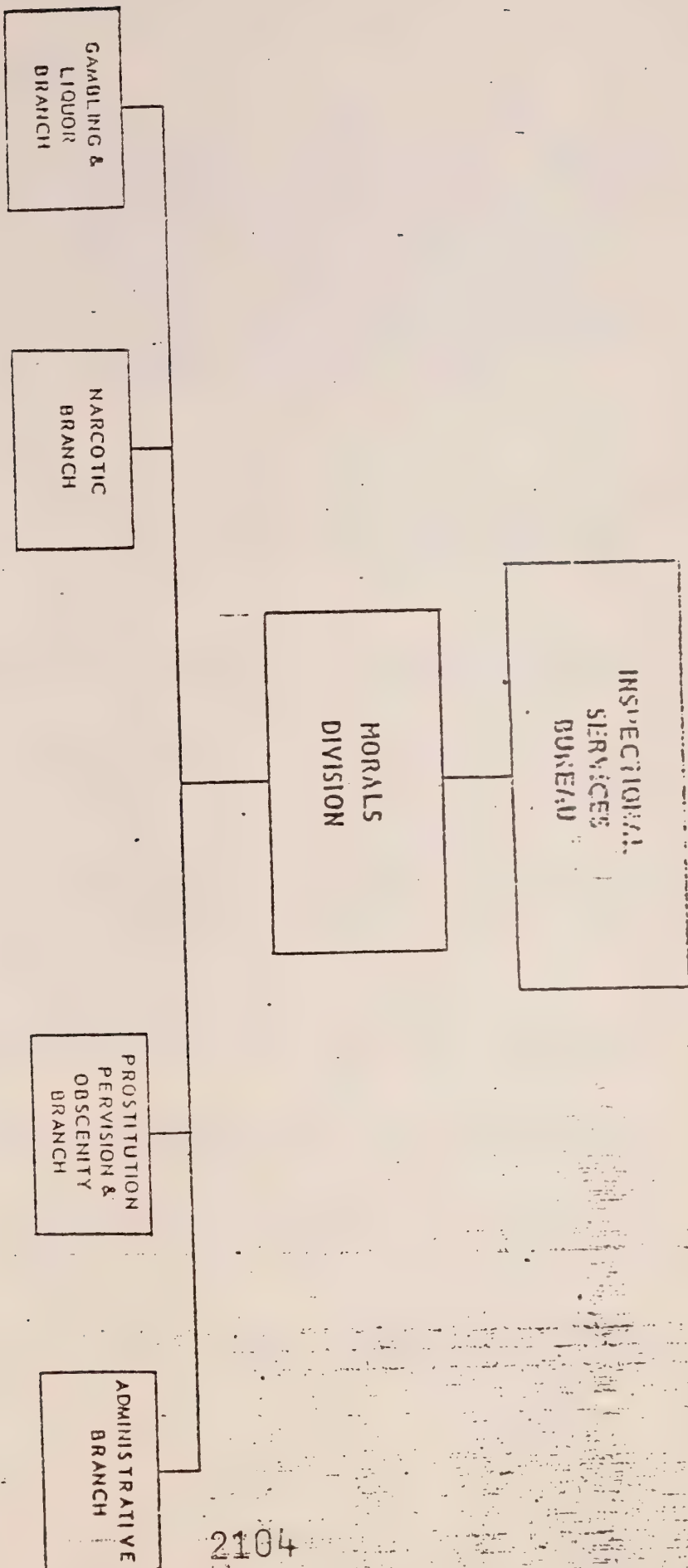
C. Morals Division.

The Morals Division shall be commanded by a director who is directly responsible to the Inspectional Services Officer, Inspectional Services Bureau. The mission of the Morals Division is to suppress vice activity and to investigate vice cases, in order to take prompt and consistent action against violators. In addition, the division shall provide liaison in all vice enforcement matters which require communication or cooperative effort between an organizational element of the department and any other governmental or private agency. The specific functions of this division are organizationally divided among four branches as follows:

1. The Administrative Branch shall:
 - a. Prepare, process, and control all incoming and outgoing correspondence of the Morals Division.
 - b. Maintain files and records pertaining to the operation of the Morals Division.
 - c. Maintain personnel record files on Morals Division civilian employees.
 - d. Provide technical assistance to other units of the department.
2. The Gambling and Liquor Control Branch shall:
 - a. Investigate violations of all laws and regulations related to the conducting of a lottery, horse racing and sporting events, bookmaking, or other gambling activity.
 - b. Assist organizational element commanders in the investigation of gambling activities, upon request, or when the investigation extends beyond the boundaries of one patrol district.
 - c. Investigate violations relating to the control of alcoholic beverages or liquor particularly those violations concerning the after hours sale of liquor, sale of untaxed liquor, illegal sale of liquor to minors, and unlicensed sale of liquor.
3. The Narcotic Branch shall:
 - a. Investigate violation of all laws and regulations

related to the control of narcotics and controlled drugs.

- b. Assist organizational element commanders in the investigation of narcotics or controlled drug traffic, upon request, or when the investigation extends beyond the boundaries of one patrol district.
 - c. Assist in the preparation of all narcotics and controlled drug arrest cases for court and receive narcotic evidence for the purpose of taking it to the Bureau of Narcotics and Dangerous Drugs laboratory for analysis.
 - d. Conduct inspections of drug records and stocks of those organizations or individuals involved in the legitimate distribution or dispensing of controlled drugs.
4. The Prostitution, Perversion and Obscenity Branch shall:
- a. Engage in enforcement action necessary to control prostitution, perversion, indecent performances, indecent publications, and indecent acts.
 - b. Collect information on prostitutes, sex deviates, and obscenity violators.
 - c. Assist organizational element commanders in the investigation of prostitution, perversion, and obscenity violators, upon request, or when the investigation extends beyond the boundaries of one patrol district.



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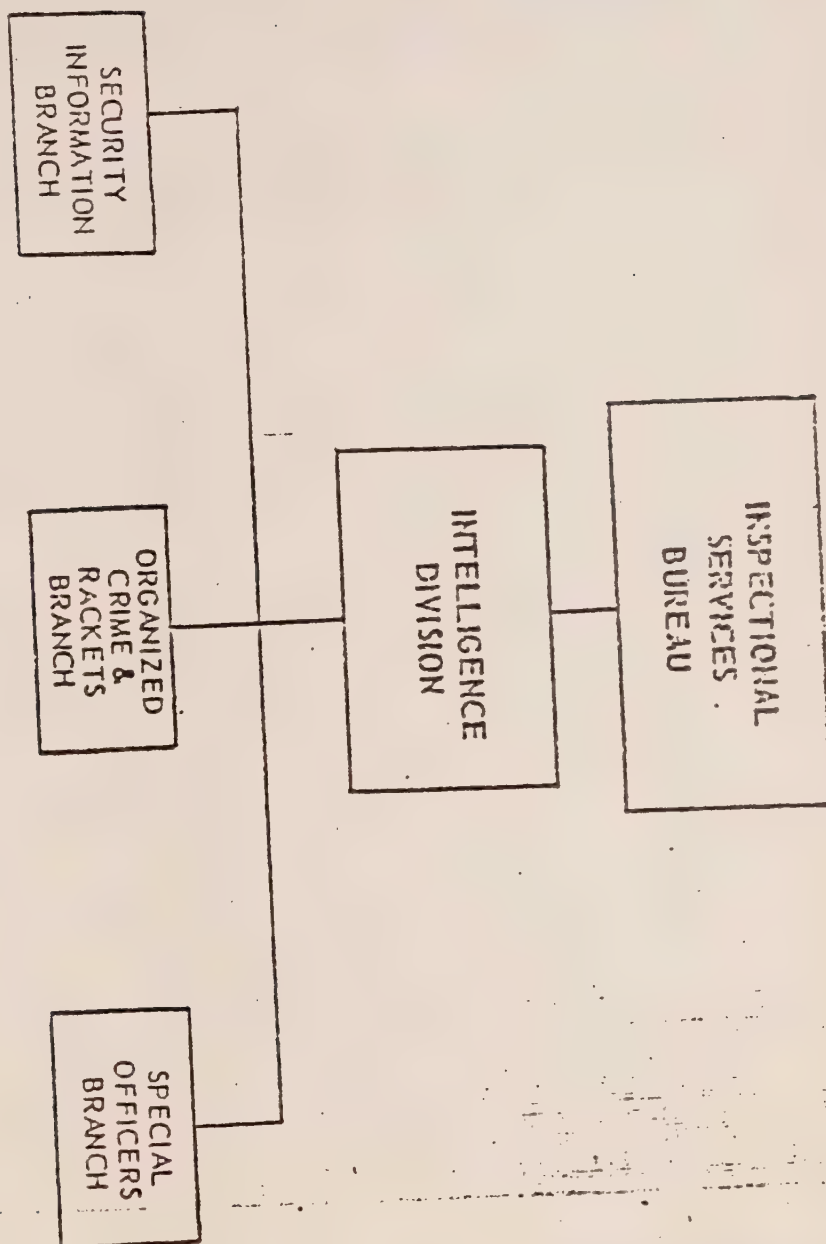
D. Intelligence Division.

The Intelligence Division shall be commanded by a director who is directly responsible to the Inspectional Services Officer, Inspectional Services Bureau. The mission of the Intelligence Division is to gather, record, and provide the department with information on persons, groups, and organizations whose activities might be detrimental to local, state, or national governments and to establish and maintain intelligence liaison with other governmental agencies. Additionally, the division shall process applications for detective agency licenses and commissions for special police officers. The specific functions of this division are organizationally divided among three branches as follows:

1. The Security Information Branch shall:
 - a. Be responsible for the assimilation and dissemination of data on conspirator and demonstrator groups that threaten the security of national and local governments.
 - b. Be responsible for collecting and disseminating to appropriate organizational elements, information on activities that require a police response.
 - c. Be responsible for security information about organizations advocating violence or other unlawful activity.
 - d. Be responsible for maintaining contact with appropriate personnel at embassies so that this department will be aware of any problems that could develop which would require police action.
2. The Organized Crime and Rackets Branch shall:
 - a. Assimilate and disseminate information on organized crime.
 - b. Collect current information on crime conditions that are susceptible to organization and syndicate control.
 - c. Establish and maintain liaison with Federal agencies for the purpose of exchanging criminal intelligence information.
 - d. Maintain an index of complaints against individuals involved in business frauds or organized criminal activity.
 - e. Investigate allegations of fraudulent business practices.

3. The Special Officers Branch shall:

- a. Investigate applications for detective agency licenses and investigate and report on complaints against detective agencies.
- b. Process and investigate complaints against special policemen and security guards.
- c. Inspect special policemen and security guards on the job for conformance with standards of conduct and uniform regulations.





GENERAL ORDER



SERIES
304

NUMBER
11

EFFECTIVE DATE
August 1, 1976

SUBJECT:

Policies and Guidelines for the
Conduct and Operation of the Investi-
gative Services Division

DISTRIBUTION

D

ORIGINATING UNIT

OCP

It is the mission of the Investigative Services Division to provide the department with data as required to meet its lawful responsibilities and authorized duties by facilitating the decision making process as this relates to the prevention of crime, the detection and prosecution of criminals and the protection of life and property within the District of Columbia. This order consists of the following part:

PART I Responsibilities and Procedures for
Special Assignment Personnel

PART I

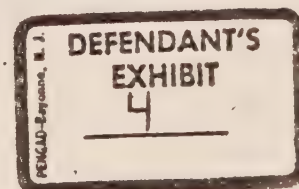
A. Statement of Policy.

In an affluent and highly mobile society, it is generally recognized that criminal activity does not conform to jurisdictional boundaries and that associations and conspiracies exist to promote such activity on a

wide scale. Washington, D.C., is the seat of the federal government and therefore is host to numerous persons and groups, exercising First Amendment Rights relative to local, national or international issues. Finally, it is recognized that the lives of U.S. citizens and representatives of foreign countries, and property, both public and private, are potential targets for unlawful assaults by terrorist groups and persons suffering mental disorders.

Therefore, it is the policy of this Department to collect, analyze, and file such tactical and operational information data as may be required to detect and prosecute criminals, protect life and property and to deter, expose and prevent criminal activity. This shall be accomplished within the guidelines herein established, and coordinated with other federal, state, and municipal agencies as necessary by the scope of each individual event and in accordance with these procedures.

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The Investigative Services Division shall only pursue its objectives through legitimate means in accordance with current law and in recognition of the Constitutional Rights of all persons.

B. Statement of Parameters of Interest.

Investigative attention and information gathering activities shall conform to the areas of interest listed herein. These areas are broadly defined as patterned crime.

This relates to individuals who have working relationships with organized crime, whose lawful activities depend upon the services offered by organized crime, or who enter into associations with others to commit or conspire to commit criminal acts and generally include the following offenses:

1. Gambling
2. Narcotic trafficking
3. Storage and the manipulation of objects and paper with intrinsic value and/or objects or paper that represent value so as to defraud rightful owners).
4. Loan sharking
5. Labor racketeering
6. Business extortion
7. Infiltration of legitimate business
8. Commercialized vice and pornography
9. Corrupt practices in government and private business
10. Major fencing activities
11. Formal or informal organization to commit major crimes, i.e., homicide, burglary, auto theft, blackmail, kidnapping, destruction of property, etc.

12. Arson for purposes of intimidation or political motivation
13. Manufacture, use, or possession of explosive devices for purposes of fraud, intimidation or political motivation
14. Threats to public officials and distinguished visitors.

C. Criteria for Gathering Investigative Information and Limitations Established.

1. Criteria for Gathering Investigative Information.

It is the policy of this Department that information gathering shall relate to investigative objectives and that no files shall be established or maintained except under the following conditions.

a. Information and Files Pertaining to Criminal Activity.

Information may be gathered relative to crime figures and criminal operations in order to identify crime patterns, conspiracies, criminal associations or develop probable cause relative to criminal acts and threats of same.

b. Information and Files Pertaining to Events Occurring in Other Locations.

Information may be gathered on violations of law, events or conditions occurring in other jurisdictions which may pose a threat to life or property within the District of Columbia. This will generally pertain to statements or actions involving organized crime, hijacking, kidnapping, extortion,

or acts of terrorism and involve documentation of organizations and members who engage in such illegal ventures.

c. Information and Files Pertaining to Persons Suffering Mental Disorders.

Information may be gathered on persons who appear to be suffering from mental conditions that may cause them to engage in criminal acts, or who forward threatening correspondence to governmental agencies that is obviously a product of their mental condition.

2. Limitations to Information Gathering Authorization.

It is the policy of this Department to preclude the gathering of information which does not meet established criteria in achieving the mission of the Investigative Services Division and to terminate data collection at that point at which the specific investigative objective is reached.

a. Original Information Collection Restrictions.

No member of the Investigative Services Division shall gather collect, or progress any information which is not directly supportive of an investigative objective as determined by the Director, the Inspectional Services Officer or the Chief of Police.

Information shall not be gathered or retained for purely interest purposes or for the reason that it may eventually relate to an established investigative objective.

Information which relates to an individual's family, friends, associates, religion, personal habits, sex life and social interests shall not be gathered except where such a specific area relates to the investigation of an associated activity such as organized crime, or prostitution or to a preemployment investigation for position within the Department.

b. Subsequent Information Collection Restrictions.

Information collected which was properly initiated and conducted pursuant to established criteria shall be terminated when any of the following conditions are found to exist.

- (1) Such level of data collection has been achieved which provides probable cause for arrest and prosecution of all persons involved in the conspiracy and/or organized group whose objectives violate the criminal statutes.
- (2) The specific activity or threat which generated the need for data collection has become abated or altered and changed to such an extent as to make void the original investigative objective.
- (3) The activity or threat is found to be false or non-existent.

D. Innumeration of Investigative Files.

On and after the effective date of these guidelines, it shall be the policy of this Department that all investigative files maintained within the Investigative

Services Division shall be restricted to those relating to the criminal investigations and interests set forth in paragraph B of these guidelines.

1. Organization File.

This file shall consist of investigative jackets on those organizations or conspirator groups engaged in committing criminal activities upon which the Investigative Services Division bears an investigative responsibility under the scope of these guidelines.

2. Individual File.

This file shall consist of investigative jackets on those persons who engage in criminal activities that are similar in nature, either independently or in loose association with others.

3. Criminal Threat File.

This file shall consist of information material on individuals or organizations criminal acts such as bombings, kidnappings, murders, extortions or terrorism in other cities or jurisdictions which, through cause or motivation, indicates the threat of similar events within this city.

4. Mental File.

This file shall consist of information on persons who exhibit mental derangement and a potential for committing violence, through overt acts such as the mailing of threat letters to government officials and public personalities.

5. Index Card File.

This file shall consist of cross index reference cards on each individual or organization named in the preceding files.

E. Information Gathering Components.

1. Investigators.

Recognizing the importance of the investigators' role in the Division's mission, it shall be the policy of the Department to institute such selection and training procedures as necessary to insure the proper functioning of each in fulfilling his responsibilities under these guidelines.

a. Selection Procedures.

All selections for assignment to the Investigative Services Division shall be based upon particular job qualifications as possessed by the applicant and requisite for all division members.

These essential qualifications shall include the following:

- (1) Must be listed on the Department Detective Eligibility Register.
- (2) Must possess a good work record with superior performance ratings by superiors.
- (3) Must have record of unbiased and impartial attitude.
- (4) Must be motivated and possess the ability to work efficiently alone and in harmony with others.
- (5) Must be a proficient writer, able to document investigations and events.
- (6) Past record must display a high degree of professionalism, dependability and have a good sick leave record.

- (8) Must demonstrate a good working knowledge of the community and its residents.
- (9) Must possess good appearance and ability to deal tactfully with all levels of the community.

b. Training Procedures.

Prior to assuming functional roles in the Investigative Services Division, all investigators will be trained and certified by the Division Director as follows.

(1) Training by the Director.

Immediately upon Assignment to the Investigative Services Division, each new member will be issued a copy of the Division's guidelines

This training will be handled by the Division Director, assisted as he deems necessary by each of the supervisory officials to whom the member will be assigned, and will include the following:

- (a) Division Mission and Policy
- (b) Investigative Constraints and Limitations
- (c) Investigative Criteria
- (d) Investigative Procedures
- (e) Scope and Depth of Investigations
- (f) Information Dissemination

(2) Training by the General Counsel.

Upon the assignment of a new investigator to the Division, the Director shall arrange a separate training session to be conducted by the General Counsel and his staff. This training session should cover legal principles associated with the investigative process and emphasize the individual's Constitutional Rights as well as the investigator's obligation to avoid abuses in investigative gathering, retention, and dissemination function. This session shall include discussions on the following topics.

- (a) Basic individual Constitutional Rights.
- (b) Applicable case law and legislation.
- (c) Principles of privacy, privilege and information dissemination.
- (d) Abuse and sensitivity to social interests and community values.
- (e) Future trends and pending legislation re the investigative mission.

(3) Training Certification.

Upon completion of both training elements to the satisfaction of the Director, the Director shall cause an entry to be made in the

member's personnel file, indicating that the member has completed the sessions and the date attached thereof.

2. Undercover Officers.

Undercover officers are sworn members of the Metropolitan Police Department who are unknown either to the general public or to other members of the Department and who are assigned to limited criminal investigations which cannot be successfully concluded by more conventional means.

It is the policy of this Department that such persons shall not be utilized in investigative operations except upon the existence of extraordinary circumstances and after well grounded justification is prepared by the Division Director and approved by the Inspectional Services Officer.

Undercover officers may not be assigned to the Investigative Services Division for any purpose other than a major criminal investigation being conducted by the Director and his subordinate officials.

3. Informants.

Within our society, various major criminal acts are perpetrated to the extreme detriment of its collective members. These acts are devised and carried out by persons from widely diverse sociological and economic backgrounds and environments who operate within their own elements which contain attendant natural defenses.

These defenses which consist of familiarity with operational environment, personal contacts and associates, tend to insulate the criminal and insure his success.

Police officers, through the constraints of personal persuasion, background and professional requirements, are generally alien to the extremes of these elements. This fact serves to further benefit the criminal.

It therefore becomes essential that police agencies make use of vital information made available by certain persons from within the elemental environment of the criminal himself. The use of this supply of information from "informants" or "confidential sources" is both lawful and universally acceptable by law enforcement standards.

Consequently, members of the Investigative Services Division may receive information from this avenue provided, that it is in total compliance with the Division mission and information gathering criteria defined in these guidelines.

F. Information Gathering Procedures.

It shall be the purpose of this section to establish guiding policies for the functional gathering of criminal information through the following procedures:

General Investigative Procedures
Use of Electronic Devices
Use of Cameras and Photographic Equipment

General Information

a. Functional Constraints.

Investigations shall not be conducted by members of the Division for non-criminal matters except for purposes of pre-employment clearances, as approved by the Chief of Police.

Investigations shall be initiated only upon the authorization of the Division Director or Branch Heads.

All investigations shall be conducted for specific purposes and shall contain well defined investigative objectives.

b. Handling of Informants.

The selection and use of informants shall be individually approved by the Director upon the recommendation of a subordinate official to whom the source will report.

Informants approved by the Director shall be listed in a source log maintained under lock by the Branch Heads. The log shall contain the true name and address of the informant, together with the name of an alternate member of the Investigative Services Division to whom the source may report.

Each approved informant source shall be given a reporting control number which will be recorded in the source log. This number shall be used in lieu of his name, identifying all subsequent information reports made by the source.

The use of informant information sources shall be restricted to the investigation of criminal cases and matters only.

Immediately upon the selection of a candidate informant, he shall be explicitly instructed by the official to whom he will report as follows:

- (1) That his cooperation with this Division does not convey to him any privileges, responsibilities or immunities.
- (2) That violations of criminal law by him may be prosecuted regardless of his cooperation with the Division.
- (3) That information supplied by him, which is lawfully obtained, will be held confidential.

- (4) That he is under no obligation to provide information and that the Division will accept only that information which is obtained legally and which involves criminal activity.

The source log maintained by the Branch Heads shall indicate that these instructions were issued and by whom.

Informants may be told the types of information which is of interest to the Division. However, specific operating instructions for obtaining the information shall not be issued under any conditions. Sources are not amenable to the administrative controls governing Police Officers.

c. Physical Surveillance.

Surveillances shall not be conducted by members of the Division in any

investigations of criminal offenses as provided by these guidelines.

Physical surveillances may be conducted upon individuals or premises in the course of active criminal investigations when they are known or suspected to be centrally involved in criminal activity and such surveillance would prove or disprove their connection.

Surveillances shall be authorized by officials of the Investigative Services Division as follows:

- (1) A surveillance for less than 8 hours may be authorized and initiated by the official then in charge of the Unit.

- (2) A surveillance for more than 8 hours shall be authorized by the Branch Head Captain or Lieutenant.
- (3) Extended surveillances shall be authorized by the Director.

Whenever a surveillance is initiated at any of the above noted levels, the authorizing official shall report to the Director the reason and commitment.

d. Background Investigations.

Background investigations may be conducted by Division members as follows:

(1) Credit Bureau Checks.

Information may be requested from Credit Bureaus only upon approval of the Division Director or Branch Head.

Such approvals shall be based upon a clear showing that the information sought is, by its nature, directly related to a central issue in a criminal investigation and is necessary to substantiate facts independently indicated.

All information obtained shall be reviewed by the authorizing official prior to retention and filing.

(2) Employment Background Checks.

Employment histories may be conducted by members of the Division, upon approval by a supervisory

officials, in any investigation involving known or suspected crime figures or applicants for position within the Unit or for licenses as Special Police Officers, Detective Agencies and Security Guards.

The information obtained shall be reviewed by the authorizing official prior to retention or filing.

(3) Bank Records Checks.

No information shall be requested from any bank or financial institution except by Judicial Subpoena issued by the Courts of the District of Columbia.

Those criminal investigations conducted by members of the Division which for cause indicate the handling or transfer of monies or securities which were obtained illegally by known or suspected crime figures, may be referred by the Director to the Office of the United States District Attorney for review and decision to seek a subpoena.

If the subpoena is issued and the records obtained, the Director shall review the material prior to filing in the investigative jacket.

2. Use of Electronic Devices.

The use of electronic devices and recording equipment by any member of the Investigative Services Divi-

sion, or by any member of the Department, shall conform to the provisions of Public Law and/or General Orders of the Metropolitan Police Department.

a. Use of Electronic Devices and Voice Intercepts.

The use of electronic devices and techniques or means, which are controlled by Public Law and set forth in D.C. Code Title s23, Sections 541 through 556, shall be beyond the investigative prerogatives of any member of the Investigative Services Division.

b. Use of Tape Recorders.

Statutory law places no prohibition upon the recordings of conversations between individuals when at least one party to the conversation has advance knowledge and clearly consents to the recording.

However, operational restrictions are attached to such recordings by Department General Order 304.4 which provides that advance permission shall be obtained from the Inspectional Services Officer for each intended use.

Therefore, members of the Division may record conversations only under the controls explicit in General Order 304.4 and upon the showing of a demonstrated need for the recording as an essential component element in a criminal investigation.

3. Photographic.

Cameras and photographic equipment may be used by members of the Division in accordance with the following provisions.

a. Criminal Investigations.

Investigators conducting criminal investigations may use camera equipment to make films or photos which will:

- (1) Assist in the identification of persons or property sought in the investigative objective, or
- (2) establish a necessary element for successful case prosecution in the Courts of the District of Columbia.

Investigators requiring the use of camera equipment shall make such request to their supervising official who, if he approves such use, will log the data in a book established for that purpose within his Branch.

All films or photos, after processing, will be forwarded by the supervising official to the Director for his filing approval.

b. Non-Criminal Photography.

No member of the Division shall use camera equipment for any non-criminal activities, except upon the explicit authority of the Assistant Chief, Inspectional Services Bureau.

C. Filing Procedures.

No investigative information obtained from any source may be either retained or filed by members of the Division except in accordance with the following procedures.

1. Filing Concurrence Required.

It shall be the policy of this Department that investigative information may be filed by a member of the Division only upon the concurrence of a Branch Head or higher official.

Each member, up to the Director, who receives information which he believes meets the criteria established in paragraph A of these guidelines, shall deliver the material to his immediate supervisor who must concur in the assessment made by his subordinate prior to forwarding to the Branch Head for final authority.

2. Information Entry into Existing Files.

Each investigator or official receiving information through investigation or forwarding from other sources, shall execute an office information sheet with two carbon copies. He shall then deliver all copies to his superior official intact. That official will review the material for specific relevance under the criteria previously noted. If the official finds the material acceptable and pertinent to a file under his purview, he shall sign and date the forms and make the following distribution.

The original copy will be entered into the established file. The first copy will be delivered to the Division Director, through the Branch Head, and the last copy retained by him for follow-up investigation as approved by the Director.

If the material pertains to a file within the purview of another official, all copies of the office information sheets will be turned over to that official who will sign and make distribution.

3. Information for Which no File Previously Existed.

No new file will be established except upon the explicit authority of the Branch Head and with the concurrence of the Director.

Information received by an investigator or official, which indicates full compliance with data gathering criteria, shall be entered upon an office information form with two carbon copies. All copies will be delivered through the immediate supervisor to the Branch Head. That official, a Lieutenant or Captain, will assess the data and make a determination whether a file should be established. He will then confer with the Director for concurrence and approval.

If approval is obtained, a file may be established and copies of the office information sheet distributed as before.

II. Review Procedures.

There is established in the Investigative Services Division the following information review procedures which shall apply to ALL innumerated file classifications. These procedures shall be documented by the reviewing officials as herein identified.

1. Policy and Guideline Review Procedures.

Inasmuch as the administrative application of these policies and guidelines are dependent upon compliance with all applicable laws in effect in the District of Columbia, the following procedure is established.

It shall be the responsibility of the General Counsel of the Metropolitan Police Department to continually review these guidelines in the light of current or proposed legislation and legal decisions which may impact upon them, and, as necessary, recommend changes to the Chief of Police.

He shall also keep the Director of the Investigative Services Division apprised of the existence of such pending legislation or judicial actions.

2. Initial Review Procedure.

Each Squad Sergeant of the Investigative Services Division shall, at least once each month, review each investigative file within his area of assignments. He shall determine that all entries thereon bear an official's signature and were entered in compliance with paragraph C of these guidelines.

He shall further determine whether the contents, in any part, continue to warrant retention. If, in his judgment, an entry may be removed as no longer of value, he shall recommend destruction to the Branch Head.

All file deletions and destruction shall be authorized by the Branch Head or Division Director.

3. Intermediate Review Procedure.

All investigative files, upon which his several Sergeants have initial review responsibilities, shall, not less than once in each 90-day period, be reviewed by the Branch Head. He shall ascertain that all entries were properly validated in the initial review process by the Squad Sergeant. He shall also further review each entry to determine that the first review process decision was correctly applied and make an independent judgment of his own.

If he determines that the material does not meet the established criteria or has, through further investigation, become out-dated or valueless, he shall remove and destroy it.

After ascertaining that all remaining entries are valid and correct, he shall validate the file by affixing the date and his signature to the file cover.

4. Journey and Terminal Review Procedure.

The Director shall, not less than once in each half year, review each investigative file together with the Branch Captain or Lieutenant and make a determination as to its continued merits.

The Director will remove each file or portion of file he determines to be of no further value and destroy it.

Those files to be maintained, in the judgment of the Director, will be validated on its cover by affixing his signature along with the review date.

I. Dissemination of Information.

All information files maintained within the Investigative Services Division shall be deemed to be classified and under the direct control of the Chief of Police, the Inspectional Services Officer and the Division Director. The dissemination and use of information shall be for cause and responsive to specific and well-founded law enforcement needs only.

Therefore, all dissemination of information shall be in conformance with the following guidelines.

1. Internal Dissemination.

Investigative information may be released to the several units of the Metropolitan Police Department in accordance with the following guidelines.

a. Criminal Activity Files.

Information from Major Crimes Branch may be released by an official of the Investigative Services Division, or other member authorized by the Director, to an official of any unit within the Department which bears a concurrent investigative responsibility or joint interest in the arrest and prosecution of criminal offenders.

b. Threat and Mental Files.

Information from these files may be released only by the official then in charge of the Unit, for particular cause, to Commanding Officers of organizational elements.

2. External Dissemination.

File information hereinafter deemed appropriate may be disseminated to other bona fide law enforcement agencies, when the information sought or to be provided is related to an active criminal investigation undertaken by the requesting agency pursuant to its lawful mandates, or relates to a criminal matter the outside agency should be aware of.

For purposes of this provision, such a determination may be made if the matter under investigation by the requesting agency is one in which this Department would have a similar or concurrent investigative responsibility under the D.C. Code, U.S. Code or regulations enacted by the D.C. City Council.

Provided further, that the requested information would be receivable by this Department under paragraph C of these guidelines which establish criteria for gathering investigative file information.

All requests for information which involve questionable points of law, freedom of information regulations or Justice Department guidelines, and those in which the requestor asserts a legal right to the information, such as through subpoenas, shall be coordinated through the General Counsel of the Metropolitan Police Department.

1. Recognized Law Enforcement Agencies.

For the purposes of these guidelines other bona fide law enforcement agencies shall include the following:

- (1) Federal Bureau of Investigation
- (2) United States Customs Service
- (3) Internal Revenue Service
- (4) United States Secret Service, to include Executive Protective Service

- (5) Alcohol, Tobacco and Firearms-Division, Treasury Department
- (6) United States Postal Service
- (7) Armed Forces Police Departments
- (8) Immigration and Naturalization Services
- (9) Department of State Security Division
- (10) Drug Enforcement Agency
- (11) United States Capitol Police
- (12) United States Park Police
- (13) National Airport Police
- (14) Major Crimes Section, United States Attorney's Office
- (15) State Police Agencies
- (16) State Bureaus of Law Enforcement
- (17) Major City Police Departments
- (18) County Police Departments
- (19) Local Police Departments not served by State Bureaus of Law Enforcement
- (20) The Corporation Counsel for the District of Columbia

b. Information Appropriate for Dissemination to Other Law Enforcement Agencies.

Information may be disseminated to other law enforcement agencies as follows:

(1) Major Crimes Files.

Pertinent portions of Major Crimes Files, previously classified as exchangeable by the Director,, may be released by officials of the Division only to Officials In Charge of a Specific Investigation in another jurisdiction, provided that the exchange is in person and further that the need for the information is clearly given and found acceptable by the responding official.

If the request is received by telephone, the receiving member shall advise the requestor to submit the request in writing except where an obvious emergency exists such as a specific threat or imminent criminal act is involved in which case the official may release the information.

(2) Criminal Threat File.

Information contained within this file relates to criminal matters occurring in other jurisdictions which were originally reported by the proper police agency in that jurisdiction.

Therefore, information from this file shall not be released to third party agencies who may request it.

Members of the Division who receive such requests shall refer the requestor to the original reporting agency for response.

(3) Mental File.

Information from this file shall not be released except upon approval of the Director.

c. Non-Law Enforcement Agencies.

Investigative Services Division file information shall not be disseminated to any non-law enforcement agency, department, group, organization or individual.

Any member of the Division who may receive a request for data from any such source shall make no response and shall refer the caller to the Director who will make note of both the request and non-response.

3. Material Dissemination.

All materials comprising the Investigative Services Division files other than routine investigator reports, news media clips and published documents, are considered special items and not subject to dissemination within or without the Department except upon written application to and approval by the Director. The Director's decision to approve such applications will be based solely on investigation of, and prosecution of criminal offenses. These items may consist of the following.

- a. Photographs
- b. Tapes and transcripts
- c. Correspondence from individuals
- d. Reports supplied by other police agencies

4. Investigative Services Division Reports.

All reports and communications prepared for forwarding or dissemination by any member of the Division shall be approved and signed by the Division Director.

J. Recording Information Dissemination.

It shall be the policy of this Department to maintain a permanent record of all disseminations of investigative information made pursuant to the provisions of these guidelines.

This function shall be accomplished according to the following procedures:

1. Record Log Established.

Within each Branch of the Division there will be established two bound record log books, indexed by months of the year and columnized to provide the following data.

- a. Date
- b. Name of requestor and agency or unit
- c. Information requested
- d. Reason for request
- e. Information provided
- f. Name of responding member

The first book will be labeled "Intra-Departmental Information Dissemination" and all such disseminations logged regardless whether by phone or in person.

The second book will be labeled "Extra-Departmental Information Dissemination" and all such disseminations logged regardless whether by phone or in person.

A list of the appropriate agencies noted in these guidelines shall be affixed to the inside front cover of this book for reference.

2. Recording Required Data.

Upon the receipt of each request for information, the Division member handling the request shall make complete entries in each column of the log book, in handwriting and in ink.

If the requested information cannot be supplied under the provisions of paragraph I of these guidelines, the following entry shall be made in the space marked "Information Provided":

"Request does not comply with guidelines -
Information not furnished."

K. Disposition of Investigative Files.

All information reports not meeting file criteria and files, including portions or entries, which are removed or aborted through the several review processes, shall be destroyed and no part maintained by any member of the Investigative Services Division. Further, such destruction shall be accomplished immediately and information not allowed to be conveyed to other parties.

Unless otherwise instructed by the Division Director, all destruction shall be done by shredding.

L. Audit Procedures.

It shall be the policy of this Department to periodically audit the files, records and operations of the Investigative Services Division for compliance with the directives set forth in these guidelines.

This audit process will be established and function through the following procedures:

Responsibilities of the Director
Responsibilities of the Inspectional
Services Officer

1. Responsibilities of the Director.

- a. The Director of the Division shall establish such operational procedures as necessary to assure the orderly and uniform compliance with these guidelines.
- b. He shall deliver to the Inspectional Services Officer a monthly report on the operations of the Division which will provide the following information.

- (1) The name of each individual and organization upon which a file has been established during the preceding month.
 - (2) The reason for establishing each file.
 - (3) The name of each individual or organization for which a file was terminated during the preceding month, together with the reason for such action.
 - (4) The total current number of files maintained under each classification noted in paragraph D of these guidelines.
 - (5) The number of information disseminations made during the reporting period.
- c. The Director shall provide the Inspectional Services Officer with his assessment of operations under these guidelines on a regular and routine basis and make such recommendations for change as he sees necessary.

2. Responsibilities of the Inspectional Services Officer.

- a. The Inspectional Services Officer shall review the monthly audit reports submitted by the Division Director and cause such special reports as he deems necessary for complete accounting.
- b. He shall personally inspect the files and operational procedures of the Division on an annual basis to the extent necessary to assure himself that the provisions of these guidelines are being fully complied with.

- c. He shall, after such annual inspection, confer with the Chief of Police and advise him of the status of the Division.

Maurice J. Callinane
Maurice J. Callinane
Chief of Police

MJC:tsj

Memorandum

JUNE

Sfr
JRM

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO : Director
Federal Bureau of Investigation

DATE: May 6, 1969

FROM : The Attorney General

FILE PROCESSED FOR RELEASE
IN CIVIL DISCOVERY
DATE 5-17-78
SEE BUFILE 62-117455

SUBJECT: OMNIBUS CRIME CONTROL AND
SAFE STREETS ACT OF 1968

This is in reference to your memorandum to Attorney General Clark of July 2, 1968, captioned as above, in which you posed a number of questions regarding the effect of the electronic surveillance provisions of the Omnibus Crime Control Act upon the operations of your Bureau in the security field.

Insofar as national security cases are concerned, the Act treats with two procedures by which wire and oral communications may be legally intercepted. The first, as set forth in Section 2511(3), recognizes the constitutional power of the President to authorize interceptions in certain specified instances involving the security of the nation. This section does not grant new or additional authority to the Attorney General. The second procedure, outlined in Section 2516, et seq., provides that interceptions may be made in certain specifically designated cases, when authorized and supervised by a Federal judge.

It is our view that the only practical procedure for authorizing electronic eavesdropping for intelligence purposes in most national security cases is that which is described in the Presidential authorization provision. Although in the court order procedure, the Act provides a means for safeguarding from public disclosure, prior to prosecution, the existence of an electronic eavesdropping device in a particular case, as well as the contents of the application for court approval of the device, and the results obtained from the installation, enforcement of these provisions is left to the discretion of the judge. (See Section 2518(8)(a), et seq.) Moreover, Section 2518(8)(d) provides that within 90 days the judge shall advise the subject of the court order and, in his discretion, make available part or all of the intercepted communications. This procedure may

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be "postponed," but not avoided. In these circumstances, there can be little assurance that sensitive data, in a case not brought to prosecution, can be protected from public disclosure. However, it may be desirable to obtain a court order if, at the time authorization is sought for coverage, it appears that prosecution is likely. In all events, a determination whether to employ the Presidential authorization provision, or to follow the "court order" route, must be made on an ad hoc basis in the light of the facts of the particular case.

We shall endeavor to answer your specific questions with respect to the effect of the Act upon this, and other operations of the Bureau in this area in the order in which they were raised.

I

Procedures to be Followed by the Bureau In Requesting New Coverage and Additional Action Necessary Relative to Existing Coverage

As to the procedure to be followed by the Bureau in requesting new electronic coverage, it may be noted that Section 2518(3) sets forth the "probable cause" which must be adduced to support an application for court approval of the interception of wire or oral communications. It is manifest that all of the statutory elements must be met before the Attorney General is warranted in seeking, and the court is justified in issuing, an order approving electronic coverage, pursuant to the provisions of Section 2516, et seq., of the Act. The Criminal Division is currently preparing a Manual for Conduct of Electronic Surveillance, which will contain detailed instructions regarding the form of, and the information to be contained in, future requests to the Attorney General for authorization to apply for an interception order from the courts. The procedures outlined in the Manual should be followed whenever it is anticipated that a court order will be sought for the requested electronic coverage.

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Section 2511(3), the Presidential authorization provision, provides that nothing contained in the Act or in Section 605 of Title 47, United States Code, shall limit the constitutional power of the President to take such measures as he deems necessary:

1. To protect the Nation against actual or potential attack or other hostile acts of a foreign power,
2. To obtain foreign intelligence information deemed essential to the security of the United States,
3. To protect national security information against foreign intelligence activities.

This section also provides that nothing contained in the Act shall be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States:

1. Against the overthrow of the Government by force or unlawful means or,
2. Against any other clear and present danger to the structure or existence of the Government.

The section further provides that the contents of any communication intercepted pursuant to the Presidential powers may be received in evidence at any trial or other proceeding where such interception was reasonable. The requirement that the interception be "reasonable" applies only where the Government seeks to introduce at trial evidence obtained through the interception. In those instances where authority to intercept for non-prosecutive purposes is requested, the "reasonableness" standard would not, it appears, have to be met. However, as the Supreme Court has made clear in Alderman-Ivanov v. United States, 37 U.S.L.W. 4189, and in Giordano v. United States, decided March 24, 1969, the legality of the interception is of prime importance in determining whether information regarding the electronic surveillance must be disclosed to a defendant whose

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conversations have been intercepted. (See Alderman-Ivanov, supra, at p. 4190, n. 3 and Concurring Opinion of Justice Stewart in Giordano.)

Accordingly, we must insure that all approvals for permission to intercept private conversations rest upon a sound foundation sufficient to enable us to justify such coverage under the terms of the Act. To this end, we believe that, in the future, all applications to the Attorney General for permission to obtain intelligence information pursuant to the standards set forth in Section 2511(3) of the Act, should contain, at a minimum, the following information:

1. An identification of the premises and location, and the room or office, in which the interception device is to be placed or phone to which such a device is to be attached and facts regarding the installation to assist in determining whether a trespass will be involved.
2. A general description of the activities subject is engaged in and the type of information which it is anticipated will be obtained through the electronic coverage.
3. The period of time for which approval is requested, with subsequent advice as to date of installation.
4. Whether it is anticipated that the conversations of any other subject who is under active investigation for possible criminal violations will be overheard.
5. If permission is sought for electronic coverage of a diplomatic establishment or of a foreign diplomat, whether approval of the State Department has been sought and obtained.

6. If the application is for extension of time or a renewal of authority, a brief description of the type of intelligence information which has been previously obtained from electronic coverage of these premises.

In addition to the above information, if approval is sought from the Attorney General, pursuant to Section 2511(3), for electronic coverage where it is anticipated that the results thereof will be introduced in evidence at trial, or that leads to evidence to be introduced at trial will be obtained, the following information should be included in your request to the Attorney General for authority to intercept:

1. The crime or crimes which it is believed are being committed by the person or persons whose conversations are likely to be overheard.
2. A complete description of the investigation being conducted — its origin, development, and present status. This description should include a detailed analysis of all investigative procedures utilized and a statement as to their inadequacy and the need to use the proposed technique.
3. The names and backgrounds of each prospective subject of the investigation.
4. A description of the communications expected to be intercepted, together with an analysis of the relevance of the communication to the investigation.

Where approval is sought to intercept communications which it is anticipated will be introduced into evidence, a specific time period for the use of the device should be set forth, and in no event should that period exceed thirty days, subject, of course, to requests for extension.

II

Limitations on the Bureau's Dissemination of Results of National Security Electronic Coverage to other Governmental Agencies or to Agencies of Allies of the United States

Section 2511(3) of the Act specifically provides that the contents of any wire or oral communication intercepted by authority of the President shall not be otherwise used or disclosed "except as is necessary to implement that power."

We interpret the provisions of Section 2511(3) as permitting the Bureau to disclose the results of such coverage to other investigative and law enforcement agencies of the United States or of a State or political subdivision thereof which have a clear "need to know" such information, or to investigative agencies of allies of the United States who have such a "need to know" in order to assist the FBI in carrying out its counter-intelligence responsibilities in protecting our national security and enforcing applicable internal security laws of the United States. Obviously, dissemination of information obtained through electronic coverage should be strictly limited and should not, in any case, violate the dissemination limitations which are currently imposed upon classified national defense information. Moreover, whenever evidence of possible criminal conduct is developed as the result of national security electronic coverage, other than that installed pursuant to a court order, extreme caution should be exercised in the dissemination of such information and in any instance where dissemination is made outside of the FBI, the information should be clearly identified as having originated from electronic coverage. In the event a question should arise as to whether a particular item of information falls within or without these general guidelines, it is suggested that you seek the advice of the Department as to whether such dissemination should be made.

III

Procedure to be Followed by the Bureau in Preserving Tape Recordings of Intercepted Conversations

Section 2518(8)(a) of the Act provides in regard to interceptions authorized by court order:

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"The contents of any wire or oral communication intercepted by any means authorized by this chapter shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire or oral communication under this subsection shall be done in such way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings shall be made available to the judge issuing such order and sealed under his directions. Custody of the recordings shall be wherever the judge orders. They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for ten years."

Although we recognize the expense and storage problems which preservation of tape recordings of intercepted conversations may create, we believe this subsection clearly requires the preservation, for at least ten years, of any tape recordings of an intercepted wire or oral communication which are authorized by court order. Thereafter, such recordings may be destroyed only upon an order of the issuing or denying judge. With regard to tape recordings of wire or oral communications intercepted under the authority of the President, (Section 2511(3)), such tapes should be preserved for a minimum period of ten years.

IV

Necessity of Including Results of Electronic Surveillances Obtained in the Security Field Subsequent to Enactment of the Act When Responding to the Department's Request for a Search of the Bureau's Special Indices Solely for Determina- tion of Tainted Evidence

As we noted under Point I, the Alderman-Ivanov and Giordano cases require that the Government establish the legality of the electronic surveillance to the satisfaction of the District Court, where that issue has been raised by the defendant. "(T)he District Court must develop the relevant facts and decide if the Government's electronic surveillance was unlawful."

Alderman-Ivanov v. United States, 37 U.S.L.W. at 4190, n. 3.
This will entail the production of the surveillance logs to the Court. In these circumstances, it is obvious that the Department must first review the results of the electronic surveillance prior to producing the logs to the Court.

Where the Government must admit the illegality of the surveillance, the interceptions of the defendant must be turned over to the court and the defense for an appropriate determination of relevancy.

In national security cases, as indicated in our discussion of point II, the Omnibus Crime Control Act places no limitations upon dissemination of the contents of intercepted wire or oral communications to investigative or law enforcement agencies of the Executive Branch of the Federal Government having a need to know such information.

Since all interceptions of wire and oral communications by the FBI are undertaken under the authority of the Attorney General, it seems evident that the results of such interceptions may lawfully be made available to him.

In these circumstances, you should continue to include the results of all your electronic surveillances when responding to the Department's requests for a search of your special indices for determination of tainted evidence or instances where disclosure may otherwise be called for.

*Adhere to above
meticulously.*

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[Fed. Def. Ex. 2]

UNITED STATES GOVERNMENT

Memorandum

SECRET

TO : J. Edgar Hoover, Director
Federal Bureau of Investigation

DATE: JUL 14 1969

FROM : John N. Mitchell
Attorney General

JUNE

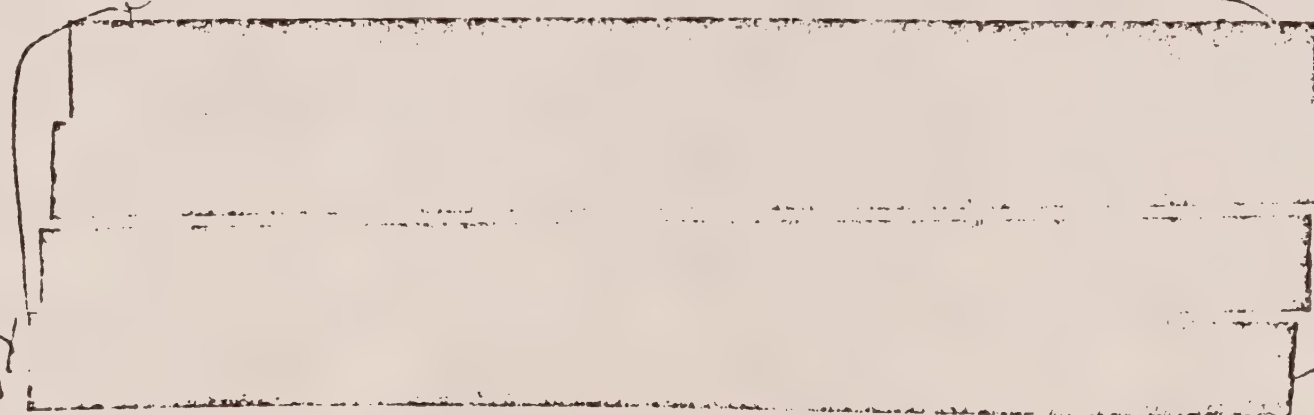
SUBJECT: ELECTRONIC SURVEILLANCES

Mr. T. L. ...	☒
Mr. Mohr	☒
Mr. Bishop	☒
Mr. Casper	☒
Mr. Callahan	☒
Mr. Conrad	☒
Mr. Felt	☒
Mr. Gale	☒
Mr. Rosen	☒
Mr. Sullivan	☒
Mr. Tavel	☒
Mr. Trotter	☒
Tele. Room	☒
Miss Holmes	☒
Miss Gandy	☒

This is in reply to your memorandum of July 3, requesting advice as to the possible legal effect on current and future prosecutions of members of the Black Panther Party which may be occasioned by the Bureau's current telephone surveillances on the National Headquarters of the Black Panther Party in Berkeley and on branches of the Black Panther Party in Chicago, Los Angeles, New York and San Francisco. *u*

Hg 100-3-176-1470

Both the Criminal and Internal Security Divisions have been reviewing the legal problems in connection with present and future prosecutions, in view of the information furnished by you concerning overhearings of some conversations in recent months of some of the defendants involved in the Chicago anti-riot case. *u*



In an effort to minimize the possibility of overhearing conversations involving defendants or their attorneys which relate to trial strategy I have concluded that the Bureau should undertake the following precautions. *u*

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The telephone surveillances which I have authorized should continue under the current directives. However, the Bureau should take steps to insure that each telephone surveillance on a Black Panther Party office should be personally monitored by a special agent or special employee. Each such monitoring

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agent or employee should be instructed in writing that he is to immediately cease monitoring, both in person and by electronic recording, any conversation as soon as he becomes aware that one of the parties to the conversation is a defendant in a pending Federal criminal case or an attorney of such defendant. For the time being each such agent or employee should be furnished with a list of defendants and their attorneys who are involved in the Chicago anti-riot case so that he will be aware of the persons whose conversations should not be monitored. A list of those defendants and attorneys is attached. He should also be instructed to make a notation in the log, as appropriate, that the conversation was cut off and was not overheard, after identifying the name of the defendant or attorney who was on the line which occasioned the cut-off. u

[] F
If a conversation of a defendant or one of his attorneys should inadvertently be overheard and later comes to the attention of a special agent, that special agent shall immediately seal the record of the conversation, attaching a memorandum certifying that he has not and will not orally or in writing relate the substance of the conversation to any other representative of the government or to anyone else except upon order from the Attorney General. This sealed log and the agent's certification should be immediately forwarded to you for transmittal to the appropriate Assistant Attorney General. u

 H
We recognize that eliminating all of Bobby Seale's conversations may encroach too much on effective intelligence coverage of the Black Panthers. I would appreciate your advice on the effect of these procedures with respect to the Black Panther Party coverage. u

I know that these procedures will place an additional burden on the Bureau but I am sure you will appreciate that it is a reasonable balance in an effort to secure needed intelligence and at the same time safeguard future prosecutive steps which should be taken. u

Attachment

ATTACHMENT

Defendants and Attorneys in United States v. Dellinger,
et al., N.D. Ill., 69 CR. 180.

DEFENDANTS

David T. Dellinger
Rennard C. Davis
Thomas E. Hayden
Abbott H. Hoffman
Jerry C. Rubin
Lee Weiner
John R. Froines
Bobby Seale

ATTORNEYS

Charles R. Garry
Michael J. Kennedy
William M. Kunstler
Gerald B. Lefcourt
Dennis J. Roberts
Michael E. Tigar
Leonard I. Weinglass
Stanley A. Bass
Irving Birnbaum
Howard Moore, Jr.

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ENCLOSURE

66-2700-3131



Office of the Attorney General
Washington, D. C.

September 14, 1967

Mr. Tolson _____
Mr. DeLoach _____
Mr. Mohr _____
Mr. Bishop _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

MEMORANDUM FOR THE DIRECTOR, FEDERAL
BUREAU OF INVESTIGATION

Although the bulk of criminal offenses occurring in the course of recent riots have been local rather than federal in nature, the question as to whether there was an organization which (a) had made advanced plans for, and (b) was active during any of the riots in the summer of 1967 is one that cannot always be readily resolved by local authorities. In view of the seriousness of the riot activity across the country, it is most important that you use the maximum available resources, investigative and intelligence, to collect and report all facts bearing upon the question as to whether there has been or is a scheme or conspiracy by any group of whatever size, effectiveness or affiliation, to plan, promote or aggravate riot activity.

In this connection the following federal statutes could be applicable depending, of course, upon the factual situation that develops:

Title 18, USC, Section 2383, which proscribes the inciting or engaging in any rebellion or insurrection against the authority of the United States.

Title 18, USC, Section 2384, which proscribes conspiring to overthrow or to destroy by force the Government of the United States or to oppose by force the authority thereof or by force to prevent, hinder or delay the execution of any law of the United States.

ENCLOSURE

OCT 3 1967

FEDERAL
DEFENDANT'S
EXHIBIT

NO. 3

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RACIAL INT. SECT.

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157-6-15-211
1-8568-35
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Title 18, USC, Section 2385, which proscribes, inter alia, advocacy of overthrowing the Government of the United States or the Government of any state, territory, District or possession thereof, or the Government of any political subdivision therein by force or violence.

Activities Affecting Armed Forces, 18 USC 2388

Selective Service, 50 USC (App.) 462

Travel and Interstate Transportation,
18 USC 1952 (Arson)
18 USC 831-33 (Explosive)

Assault and Killing of Federal Officers and Employees, 18 USC 111, 114 and 2231

Destruction of Government Property, 18 USC 1361 et al.

Federal Firearms Act, 15 USC 901-909

Crimes on Federal Reservations, 18 USC 13, 81 et al.

I appreciate that the Bureau has constantly been alert to this problem and is currently submitting intelligence reports to us about riots and about the activity of certain groups and individuals before, during and after a riot. Indeed, the President has said both publicly and privately that the FBI is conducting extensive and comprehensive investigations of these matters.

There persists, however, a widespread belief that there is more organized activity in the riots than we presently know about. We must recognize, I believe, that this is a relatively new area of investigation and intelligence reporting for the FBI and the Department of Justice. We have not heretofore had to deal with the possibility of an organized pattern of violence, constituting a violation of federal law, by a group of persons who make the urban ghetto their base of operation and whose activities may not have been regularly monitored by existing intelligence sources.

In these circumstances, we must be certain that every attempt is being made to get all information bearing upon these problems; to take every step possible

to determine whether the rioting is pre-planned or organized; and, if so, to determine the identity of the people and interests involved; and to deter this activity by prompt and vigorous legal action.

As a part of the broad investigation which must necessarily be conducted, it is requested that all available information be reported and analyzed regarding each sniper caught in any riot or extremist activity and regarding those arrested during the course of a riot or significant racial disturbances who were not residents of the general area. Moreover, sources or informants in black nationalist organizations, SNCC and other less publicized groups should be developed and expanded to determine the size and purpose of these groups and their relationship to other groups, and also to determine the whereabouts of persons who might be involved in instigating riot activity in violation of federal law. Further, we need to investigate fully allegations of conspiratorial activity that come to our attention from outside sources such as those reported regarding Newark in Life Magazine for July 28, 1967, and those regarding the Detroit riot which were furnished to the Department by Walter Sheridan of the National Broadcasting Company (summary of latter is attached).

Ramsey Clark

RAMSEY CLARK
Attorney General

~~(G) RACIAL INFORMANTS~~ ~~RACIAL MATTERS~~ -- In view of the increasing problems with which we are faced in the racial field, particularly in the development of racial intelligence concerning militant black nationalist elements, a careful analysis of this matter has been made in order to insure that proper emphasis is placed where needed. Also, in order to afford better coordination over all interrelated racial security matters (individuals and organizations) including the development of racial informants, supervision is now being handled by the Racial Intelligence Section of the Domestic Intelligence Division. For your information, the Subversive Control Section is no longer in existence. The investigation of the Communist Party and related matters other than those with a racial aspect are being handled by the Internal Security Section.

Our analysis of the racial informant program has shown there is a definite need to develop additional penetrative coverage of the militant black nationalist groups and the ghetto areas immediately to be in a position to have maximum intelligence in anticipation of another outburst of racial violence next summer.

In line with our objective, particular emphasis is being placed on the development of ghetto-type racial informants. Individuals to qualify as this type of informant must live or work in an area described as a ghetto and, therefore, have access to pertinent racial information. The steps necessary to qualify such an individual are as follows:

(1) The individual must have access to racial intelligence information and must be willing to cooperate with the Bureau in furnishing such information.

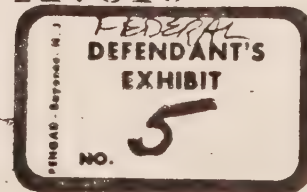
(2) In the absence of any derogatory information developed, it will be necessary for you to check the following: field office indices, FBI Identification Division records, and local credit and arrest records. Of course, you must develop sufficient background data concerning each prospective informant to allow an intelligent check of the foregoing records to be made. As to the method of recommending to the Bureau that an individual be approved as a racial informant (ghetto-type), be guided by the instructions set out in Section 130, Volume IV, Manual of Instructions, concerning probationary racial informants.

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All individuals recommended and approved as ghetto-type racial informants will be considered probationary racial informants with the word "ghetto" after the informant's name or symbol. An example of this is "John Jones, Probationary Racial Informant (Ghetto)" or "NY 1234-R (PROB - Ghetto)."

Agents handling these ghetto-type probationary racial informants must be constantly alert for any indications of character traits or activities of these informants which might cause embarrassment to the Bureau. In addition, the information furnished by these informants should not be taken at face value. A diligent attempt must be made to verify all information furnished by these informants through other sources and/or investigation.

In addition, immediately review all security informant files for the purpose of determining which security informants are solely or predominantly active in the racial field. Examples would be individuals furnishing information concerning the Minutemen, as well as the Nation of Islam, Student Nonviolent Coordinating Committee, Congress of Racial Equality, and other militant black nationalist-type groups. The security designation of these informants should be changed to the appropriate racial informant designation. For example, a potential security informant should be made a probationary racial informant and a security informant should be designated as a racial informant. Thereafter, they should be operated principally in the racial field and supervised by the Racial Informant Desk. When an informant is changed from a security informant to a racial informant, the field classification number should be changed to a 170 classification. Advise the Bureau promptly as to which security informants are being converted to racial informants.

In addition, each office having a Black Nationalist Groups TOPLEV Informant Program is to immediately assign at least one Agent to work exclusively on developing informants under this Program. Each office participating in this Program will submit at the end of a three-month period appropriate observations as to the success of the Program and recommendations as to its continuance.

As I have advised in the past, it is imperative and essential that the Bureau learn of any indications of advance planning or organized

10/17/67

SAC LETTER 67-62

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conspiracy on the part of individuals or organizations in connection with riots and racial disturbances. You are again reminded that informants should be alerted and directed to obtain information concerning individuals who may be stockpiling firebombs, Molotov cocktails, weapons, and to identify any groups of terrorists who may be planning on carrying out a type of guerrilla warfare during riotous situations.

I expect each office to give this most important matter priority attention in order to achieve our goal during the next six months. Your efforts and results will be followed closely at the Bureau and during field Inspections. Appropriate Manual changes will be forthcoming.

Very truly yours,

John Edgar Hoover

Director

10/17/67
SAC LETTER 67-62

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417317

(D) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 -- Recently the Attorney General furnished the Bureau detailed instructions relating to electronic surveillances (wiretaps and microphone coverage) in the internal security field which are pertinent to captioned Act. A summary of the instructions is being furnished herein for your guidance and compliance. When requesting authority for an electronic surveillance, make certain all additional data now required is set forth in Form FD-142.

For reasons of security, electronic surveillances in the internal security field should be requested under the Presidential authorization provision of the Act; however, if prosecution appears likely, consideration should be given to recommending use of a court order. Basis for the type desired should be clearly set forth.

The Supreme Court's decisions have shown that the legality of the interception is of prime importance in determining whether information regarding electronic surveillance must be disclosed to a defendant whose conversation has been intercepted. Therefore, future requests for electronic surveillances in the internal security field should contain:

(1). An identification of the premises and location, and the room or office, in which the interception device is to be placed or phone to which such a device is to be attached and facts regarding the installation to assist in determining whether a trespass will be involved.

(2). A general description of the activities subject is engaged in and the type of information which it is anticipated will be obtained through the electronic coverage.

(3). The period of time for which approval is requested, with subsequent advice as to date of installation.

(4). Whether it is anticipated that the conversations of any other subject who is under active investigation for possible criminal violations will be overheard.

With regard to tape recordings of intercepted conversations, such tapes should be preserved for a minimum period of ten years.

6/3/69
SAC LETTER 69-31

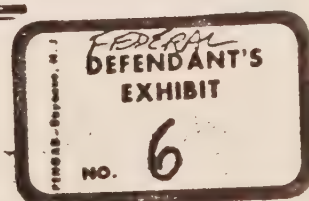
- 4 -

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If it is anticipated results will be introduced into evidence or leads to evidence will be obtained where installation is being recommended under the Presidential authorization, the following additional information should be included:

(1). The crime or crimes which it is believed are being committed by the person or persons whose conversations are likely to be overheard.

(2). A complete description of the investigation being conducted - its origin, development and present status. This description should include a detailed analysis of all investigative procedures utilized and a statement as to their inadequacy and the need to use the proposed technique.

(3). The names and backgrounds of each prospective subject of the investigation.

(4). A description of the communications expected to be intercepted, together with an analysis of the relevance of the communication to the investigation.

Requests for coverage should be for no longer than a period of thirty days, subject, of course, to requests for extension.

Dissemination of intercepted information may be made to other intelligence and law enforcement agencies and allies of the United States on a need-to-know basis and should be appropriately classified, and in no case violate the dissemination limitations which are currently imposed upon classified national defense information. If evidence of possible criminal conduct is developed, extreme caution should be exercised in disseminating the information outside of the FBI and the information should be clearly identified as having originated from an electronic surveillance. If a question should arise whether a particular item of information falls within or without these general guidelines, advice of the Department should be obtained as to whether dissemination should be made.

6/3/69
SAC LETTER 69-31

- 5 -

2156

It is realized that the instructions present certain serious problems, such as preservation of tapes for a minimum of ten years, and also certain questions, such as the manner of identifying information as coming from an electronic surveillance when disseminating information of a possible criminal conduct. These and other such matters will be taken up with the Department for clarification. Pending the receipt of clarification, however, you should follow the instructions set out herein to the best of your ability, communicating with the Bureau in the event a specific situation presents a special problem.

For your information, the Criminal Division of the Department is currently preparing a "Manual for Conduct of Electronic Surveillance" which will contain detailed instructions regarding the form of, and the information to be contained in, future requests to the Attorney General for authorization to apply for an interception order from the courts.

Very truly yours,

John Edgar Hoover

Director

6/3/69
SAC LETTER 69-31

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2157

Memorandum

TO : J. Edgar Hoover, Director
Federal Bureau of Investigation

DATE: September 19, 1968.

FROM : J. Walter Yeagley
Assistant Attorney General
Internal Security Division

SUBJECT: PEAD 6: CRITERIA FOR PERSONS TO BE
APPREHENDED AND PRIORITY
APPREHENSION PROGRAM

SECRET

Attached is a copy of a self explanatory memorandum dated September 9, 1968 from the Office of Legal Counsel to this Division.

As you will note, the Office of Legal Counsel (OLC) proposes certain changes be made in the wording of the criteria for persons to be apprehended under the Emergency Detention Act of 1950 which revisions "are intended mainly to clarify what we understand to be the meaning of these criteria" and make no changes in the essential substance of the criteria. This Division is in agreement with the changes proposed by the OLC and the memorandum of that office is forwarded for your consideration and specific advice whether the proposed changes are acceptable to your Bureau.

1cc'd 9180

cc'd C.D. Brennan to
W.C. Sullivan
9-25-68
TNR/1/1

Letter to AG by
9-26-68
TNR/1/1

REC-76

EX 106

100-356062-2821

SEP 19 1968

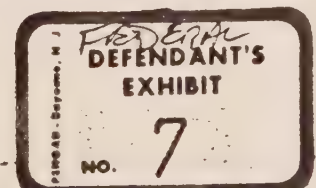
ENCLOSURE

DECLASSIFIED BY SPN JRM
ON 12-2-81
Per Dept of Justice

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2158



J. Edgar Hoover, Director
Federal Bureau of Investigation

Series 100-1968.

J. Walter Yeagley
Assistant Attorney General
Internal Security Division

**PEAD 6: CRITERIA FOR PERSONS TO BE
APPREHENDED AND PRIORITY
APPREHENSION PROGRAM**

~~SECRET~~

Attached is a copy of a self explanatory memorandum dated September 9, 1968 from the Office of Legal Counsel to this Division.

As you will note, the Office of Legal Counsel (OLC) proposes certain changes be made in the wording of the criteria for persons to be apprehended under the Emergency Detention Act of 1950 which revisions "are intended mainly to clarify what we understand to be the meaning of these criteria" and make no changes in the essential substance of the criteria. This Division is in agreement with the changes proposed by the OLC and the memorandum of that office is forwarded for your consideration and specific advice whether the proposed changes are acceptable to your Bureau.

DECLASSIFIED BY *SP 4 JCM*
ON *12-2-87*
Per Dept of Justice

~~SECRET~~

Memorandum~~SECRET~~DATE: *May 16, 1968*

TO : J. Walter Yeagley
Assistant Attorney General
Internal Security Division

FROM : Frank M. Wozencraft
FMW Assistant Attorney General
Office of Legal Counsel

SUBJECT: PEAD 6: Criteria for persons to be apprehended
and Priority Apprehension Program

This is in response to your request of May 16, 1968, for our advice concerning the continued use, under PEAD 6, of the existing criteria for determining persons to be apprehended pursuant to that PEAD, and the acceptability of the FBI's proposed Priority Apprehension Program.

Criteria

The criteria set forth in paragraphs (a) through (d) on pp. 1-2 of your memorandum, and the background file containing the basis upon which these criteria were approved by the Attorney General on April 11, 1955, have been reviewed. While no change appears necessary in the essential substance of the criteria, the language used is in some respects unclear and possibly inconsistent. The proposed revisions set forth below are intended mainly to clarify what we understand to be the meaning of these criteria. These revisions are, of course, subject to further change in the event that they do not accurately reflect the intended meaning.

It is noted that the present criteria do not contain (and we are informed that there do not exist) formal definitions of the terms "basic revolutionary organization", "revolutionary group", "front organizations", or "subversive organization". While more precise indications of what is meant by these terms would be desirable, we have not insisted on formal definitions at this time in view of (i) the requirement that any person actually detained will be entitled to a hearing at which time the evidence will have to satisfy the standards of § 1 of PEAD 6 and the Emergency Detention Act, and (ii) the needed flexibility and discretion at the operating level in order to carry on an effective surveillance program.

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DECLASSIFIED BY *SP4 JCM*
12-2-77
Per Dept of Justice
(AAG, OLC) hwr

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The revisions recommended below have been drafted to correct the following problems raised by the language of the existing criteria:

(1) Paragraphs (a) and (b) use the different terms "basic revolutionary organization" and "revolutionary group," respectively, although we are informed that no difference in meaning is intended.

(2) Under paragraph (b) it would be sufficient to apprehend a person on the basis of "active substantial participation in the furtherance of the aims and purposes of the front organization." Since it is one of the basic characteristics of a front organization that its announced aims and purposes may be wholly innocuous, or even praiseworthy, it is conceivable that some individuals might participate actively in (and sympathize with) only those activities of a front organization that are related to unobjectionable purposes, and have no involvement in those activities which relate to the aims and purposes of a basic revolutionary organization. The detention of such persons would not appear to be appropriate in the absence of other considerations.

(3) Paragraph (c) is made applicable only to a person who is "not a member or a participant in the activities of a subversive organization." We have been informally advised by the Internal Security Division, however, that the type of individual intended to be reached by this paragraph is likely to belong to some form of organization, though not one that meets the standards of paragraphs (a) or (b).

(4) As it is presently worded, paragraph (d) can be interpreted as being no more than a special provision to include individuals who otherwise qualify under one or more of paragraphs (a), (b) or (c) except for the fact that they have made no overt acts or statements within the prescribed five or three year time limits. The Internal Security Division has informally advised, however, that paragraph (d) is also intended to serve as a catchall for certain individuals who do not meet the criteria of paragraphs (a), (b) or (c).

- 2 -

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(5) Both paragraphs (c) and (d) apply on the basis of the likelihood that the different categories of individuals that they describe will perform undesirable acts in the event of an emergency. No reason is perceived why paragraphs (c) and (d) describe differently the undesirable acts that such individuals may perform, as distinguished from the facts indicating the likelihood that they will perform them, or why such description should differ from that in § 1 of PEAD 6.

Accordingly, it is recommended that paragraphs (b), (c) and (d) be revised to read as follows (underscoring indicates new or changed language):

- "(b) Subject has had membership or participation in the affairs of one or more front organizations which adhere to the policies and doctrines of a basic revolutionary organization, in a leadership capacity or by active substantial participation in the furtherance of those aims and purposes of the front organization which coincide with those of a basic revolutionary organization, within the last three years as shown by overt acts or statements established through reliable sources, informants, or individuals;
- "(c) Investigation has developed information that an individual, though not a member of or a participant in the activities of a basic revolutionary or front organization, has anarchist or revolutionary beliefs and is likely to seize upon the opportunity presented by a national emergency to commit acts of espionage or sabotage, including acts of terrorism, assassination or any interference with or threat to the survival and effective operation of the national, state and local governments and of the defense effort;
- "(d) Although investigation has failed to establish the facts required by (a), (b) or (c) above, either as to the substance of those criteria or because there have been no overt acts or statements within the time limits prescribed, facts

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have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts of the kind described in (c) above."

Priority Apprehension Program

As we informally advised your office by telephone on June 13, 1968, we have no objection to the proposed Priority Apprehension Program as set forth in the memorandum from the Director of the FBI, dated May 1, 1968, a copy of which is attached to your memorandum of May 16, 1968.

- 4 -

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Mr. J. Walter Yeagley
Assistant Attorney General

September 26, 1968

Director, FBI

1 - Mr. DeLoach
1 - Mr. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. Rosack

PROGRAM FOR APPREHENSION AND DETENTION
OF PERSONS CONSIDERED POTENTIALLY
DANGEROUS TO THE NATIONAL DEFENSE AND
PUBLIC SAFETY OF THE UNITED STATES

Reference is made to your letter dated September 19, 1968, captioned "HEAD 6: CRITERIA FOR PERSONS TO BE APPREHENDED AND PRIORITY APPREHENSION PROGRAM," concerning proposed changes in the wording of criteria for persons to be apprehended under the Emergency Detention Act of 1950 as suggested by the Office of Legal Counsel and indicating your agreement with the changes.

The proposed changes are acceptable to this Bureau, and we will, accordingly, be guided by these revised criteria of 1968.

REC-76 100-353002 - 201

EX 106

TPR:jaf
(7)

NOTE:

See memo C. D. Brennan to W. C. Sullivan dated 9/25/68, captioned "Program for Apprehension and Detention of Persons Considered Potentially Dangerous to the National Defense and Public Safety of the United States (Detoro); Security Investigations of Individuals," prepared by TPR:jaf.

Classified "Secret" as pertains to Emergency Detention Program, component parts of which are so classified by the Department.

MAILED 27
SEP 26 1968
COMM-FBI

~~GROUP~~
Excluded from automatic
downgrading and
declassification

Approved by
8/25/80
E.H./E.H.

2164

MAIL ROOM ☐ TELETYPE UNIT ☐

FEDERAL
DEFENDANT'S
EXHIBIT
NO. 8

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan

DATE April 30, 1968

FROM : C. D. Brennan

SUBJECT: PROGRAM FOR APPREHENSION AND DETENTION
OF PERSONS CONSIDERED POTENTIALLY DANGEROUS
TO THE NATIONAL DEFENSE AND PUBLIC SAFETY
OF THE UNITED STATES (DETPRO)

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

SECURITY INVESTIGATIONS OF INDIVIDUALS

SYNOPSIS: This is to recommend obtaining Departmental approval for amended criteria for individuals on Security Index (SI) and to set up Priority Apprehension Program based on dangerousness of individuals on SI. Present criteria for SI include individuals in basic revolutionary groups, front groups, anarchists, and those with anarchistic tendencies. Department has recently amended definition of a dangerous person in new Presidential Emergency Action Document 6, broadening it to include terrorists or persons who would interfere with Government operation and defense effort.

With Director's approval, conference was held with Departmental representatives and in view of amended definition of a dangerous person referred to above, a corresponding amendment to Item D of SI criteria was agreed upon. (Set out in details, page 7, and page 1 of memorandum to Mr. Yeagley) In addition, our study of the entire Emergency Detention Program suggests desirability of alterations to set up priorities for apprehension based on dangerousness of individual. Priorities would include:

1) Priority I. Top national and state leadership of basic subversive organizations, leaders of anarchistic groups, individuals who have shown greatest propensity for violence, as well as those who have special training in sabotage, espionage, guerrilla warfare, etc. Subversives in key defense facilities to be included. Present individuals designated Key Figures would, if appropriate, be in this category. Key Figure Program discontinued. Residences and employments will be verified each 3 months and reports submitted semiannually.

2) Priority II. Second level leadership and individuals who present significant threat but are in less influential positions than Priority I. Verification of residences and employments each 6 months with submission of annual reports as now required on majority of subjects.

Enclosure *sent 5-1-68*

1 - Mr. DeLoach
1 - Mr. Sullivan
PFE:LM (5)

1 - Mr. C. D. Brennan
1 - Mr. Enlow

2165

CONTINUED - OVER

DEFENDANT'S
EXHIBIT
9

Memo for Mr. W. C. Sullivan
RE: - DETPRO

3) Priority III. All other individuals on SI. Made up mainly of rank and file members. Verification of residences and employments to remain at 6 months with submission of reports each 2 years.

4) Each priority will be broken down into nationalistic tendencies and organizational affiliations so that apprehensions can be made in each category on a selected basis.

5) Changes will not alter total number of individuals on SI and not materially affect SI.

OBSERVATIONS:

Implementation of program will continue to require authorization of Attorney General for any apprehensions. Priority lists will streamline effectiveness of Program to allow us to "zero in" on most dangerous and influential individuals and will permit us to "lop off" top level immediately if Program implemented. This should result in paralyzing organizations, and subjects with lesser priorities would lose top leadership and could be apprehended at later time, if necessary. Since SI made up principally of rank and file, we will save approximately 3,500 reports per year while at same time we will intensify coverage of those considered most dangerous. This presents logical and workable program while cutting back substantially on desirable but unnecessary paper work and is in line with our continuing analysis to streamline by cutting out unnecessary requirements and retaining only that which is absolutely essential.

RECOMMENDATION:

That attached letter to Department setting forth above proposals be forwarded. Upon Department's approval, appropriate instructions and manual changes will be sent to the field.

✓ JH PS
ds
DETAILS - CONTINUED OVER

Memo for Mr. W. C. Sullivan
RE: DETPRO

DETAILS:

The responsibilities of the FBI with respect to investigations in the internal security field have been established by Presidential Directives.

The primary purpose of the investigation of subversive individuals is to determine their identities and activities and/or whether they present a serious threat to the internal security of the country. If investigation develops positive evidence indicating that an individual presents a threat or potential threat to the internal security, his name is included in the Security Index.

The Security Index contains names of individuals who should be considered for immediate apprehension and detention in the event of a national emergency in order to safeguard the internal security of the United States by preventing sabotage, espionage, and insurrection. The list now consists of over 10,000 names. Additions and deletions are made when it is determined that the individual either represents a threat or no longer represents a threat.

A plan of action has been prepared to implement the apprehension and detention of individuals listed in the Security Index and for the seizure of specified contraband. This plan is formally known as the "Program for Apprehension and Detention of Persons Considered Potentially Dangerous to the National Defense and Public Safety of the United States." Details concerning this plan are contained in the Attorney General's Portfolio, copies of which were originally furnished to this Bureau on August 3, 1948. The proposed actions have been subject to continuous study, and revisions have been made as needed. The proposed actions under this plan will be implemented by Presidential Proclamation through Presidential Emergency Action Documents (PEAD). The PEADs provide for the arrest and detention of all persons, citizens as well as aliens, who are considered dangerous to the national defense and public safety and for the seizure of property which there is a reason to believe may be used to the detriment of national defense and public safety.

The results of our investigations are provided to the Department of Justice on a continuing basis for its concurrence and approval of the persons listed for apprehension.

Memo for Mr. W. C. Sullivan
RE: . DETPRO

Detailed instructions are in the hands of all of our field offices for the handling of this matter in the event we are called upon to effect apprehensions of SI subjects. Plans are also in existence in seven field offices for the handling of detainees on a temporary basis by the Army, and close coordination is maintained between our offices and the military. Departmental instructions from the Attorney General to United States Attorneys, who will be the administrators of the program following implementation, and to U. S. Marshals have been furnished our offices at the Department's request for delivery to these officials. The Immigration and Naturalization Service is responsible for the detention of alien enemies, and on a quarterly basis, through the Department, the number of all aliens included on the SI is furnished to them. This list is broken down by field office and by sex.

The criteria for placing and retaining individuals was approved by the Department on April 11, 1955. They are as follows:

- A. Membership or participation in the activities of a basic revolutionary organization within the last 5 years as shown by overt acts or statements established through reliable sources, informants or individuals.
- B. Membership or participation in the affairs of one or more front organizations, which adhere to the policies and doctrines of a revolutionary group, in a leadership capacity or by active substantial participation in the furtherance of the aims or purposes of the front organizations within the last 3 years as shown by overt acts or statements established through reliable sources, informants, or individuals.
- C. Investigation has developed information that an individual, though not a member or a participant in the activities of a subversive organization, has anarchist or revolutionary beliefs and is likely to seize upon the opportunity presented by a national emergency to endanger the public safety as shown by overt acts or statements within the last 3 years established through reliable sources, informants, or individuals.

Memo for Mr. W. C. Sullivan
RE:- DETPRO

- D. Although investigation has failed to establish overt acts or statements on the part of a subject within the time limits set out above, facts have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts inimical to the national defense and public safety of the U. S. in time of emergency.

In November, 1967, the President ordered a comprehensive review of the Presidential Emergency Action Documents as to the desirability of modifying or deleting certain standby orders. The Attorney General served as the chairman of the committee reviewing the documents. After extensive review, in which the FBI participated, a proposal was submitted to the President that certain documents be revised. It was proposed that the Emergency Detention Program be revised to agree with the provisions of the Emergency Detention Act.

The Internal Security Division (ISD) of the Department has raised questions as to the ability to discharge the responsibilities of the Attorney General under the Emergency Detention Act of 1950. By letter dated 2/26/68 the Department requested a conference with the FBI for the purpose of reviewing the implementation of the Emergency Detention Program. The Director approved memorandum C. D. Brennan to Mr. W. C. Sullivan dated 3/1/68, captioned "Presidential Emergency Action Documents," designating Section Chief C. D. Brennan and SA Philip F. Enlow, Internal Security Section, Domestic Intelligence Division, to attend discussions with ISD.

One of the changes in PEAD pertains to the definition of a "dangerous individual." The document, which has been approved by the President, now states "The Attorney General, acting through such officers and agents as he may designate for the purpose, shall apprehend, and by order detain, pursuant to the provisions of the Emergency Detention Act, each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage and sabotage, including acts of terrorism or assassination and any interference with or threat to the survival and effective operation of the national, state, and local governments and of the national defense effort. As used in this section, the term 'person' shall mean any citizen or national of the United States, or any citizen, subject or national of any foreign nation, or any stateless person."

Memo to Mr. W. C. Sullivan
RE: DETPRO

The above is an all encompassing definition of a "dangerous person." This will extend the criteria for the Security Index.

During the conference of 4/22/68 with ISD, the definition of a dangerous individual was discussed, and it was decided that Item D of the SI criteria should be expanded to include the definition as stated in the new PEAD 6. It was also determined that prior to implementing the EDP under the EDA additional planning and prepositioning of necessary forms and documents must be completed by the Department.

We are continually examining our procedures and policies to eliminate everything except absolute essentials. We have made a study of the Priority Apprehension Program procedures to insure that they are both current and meaningful. We also are taking a hard look at the individuals on the SI to justify their retention.

With the emergence of the New Left and the intensification of activities by the racial militants and black nationalists, who are not affiliated with basic revolutionary organizations but because of their anarchist tendencies do present a threat to the internal security of the United States, it has become apparent that these individuals warrant inclusion on the SI.

Many individuals on the SI, because of their violent tendencies and their representation of the top leadership of subversive organizations, are scheduled for priority apprehension. The administrative procedures developed to make these apprehensions are referred to as the Detcom Program. In an all-out emergency, all subjects whose names are in the SI will be considered for immediate apprehension.

Our study indicates the necessity for establishing new priority apprehension procedures which will continue to be based on potential dangerousness of the individual. Accordingly, the following suggestions are being made:

1. That the Priority Apprehension Program be continued under the code name Detcom; that the program be divided into 3 priority levels and be named separately.
2. That the first priority apprehension list be entitled Priority I. This list should consist of hard core national and state basic revolutionary organization leaders and those leaders of other subversive organizations and unorganized groups and individuals who have

Memo for Mr. W. C. Sullivan
RE: DETPRO

indicated a propensity for violence and/or have received special training in sabotage, espionage, and/or guerrilla warfare. If appropriate, individuals employed in or having access to key and/or defense facilities will be included on this list. It is believed that if these individuals are apprehended as scheduled this will completely disrupt the subversive organizations and should diminish possible actions by the remaining membership. These individuals will be apprehended only when the Attorney General announces that their immobilization is in the best interests of the national defense of the United States.

3. That a secondary priority list be entitled Priority II. This group should consist of the second level leadership of basic revolutionary organizations and other subversive organizations or other individuals who present a significant threat but are in less influential positions than those in Priority I. These individuals will be apprehended only when the Attorney General announces that their immobilization is in the best interests of the national defense of the United States.
4. That a third priority list be entitled Priority III. This list will consist of all other individuals who are on the SI. It will be made up mainly of rank and file members of basic revolutionary organizations and other subversive organizations, as well as other individuals whose activities warrant inclusion on the SI. These individuals will be apprehended only when the Attorney General announces that their immobilization is in the best interests of the national defense of the United States.
5. That Item D under the SI criteria be expanded to read:

"Although investigation has failed to establish overt acts or statements on the part of a subject within the time limits set out above, facts have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts inimical to the national defense and public safety of the U. S. in time of emergency. Such acts could include acts of terrorism, assassination, or any interference with or threat to the survival and effective operation of the national, state, and local governments and of the defense effort." (Amendment is portion underscored.)

Memo for Mr. W. C. Sullivan
RE: DETPRO

6. That certain individuals in the time of international or national crisis, because of their nationalistic tendencies, organizational affiliation, and/or anarchist tendencies, will be apprehended on a selected basis. All individuals on the SI are tabbed as to their nationalistic tendencies or organizational affiliations.
7. That the residences and employments of individuals on the Priority I list be verified every 3 months instead of every 6 months; that reports be submitted every 6 months.
8. That the verification of residences and employments of individuals on the Priority II list remain at 6 months; that reports be submitted on an annual basis.
9. That the verification of residences and employments of individuals on the Priority III list remain at 6 months; that reports be submitted every 2 years.
10. That the category "Key Figure" be deleted, since it will fit into Priority I; that the category "Top Functionary" be continued.

Each individual case will continue to stand on its own, and the decision to consider an individual for Priority apprehension will be based on his subversive activities and revolutionary tendencies.

It is believed that the above suggestions will strengthen our procedures in making priority apprehensions as well as conserve agent time without damaging the caliber of security investigations of individuals. These changes will not alter total number of individuals on the SI and will not materially affect it.

The establishment of priority lists will lend itself to accomplishing the purpose of the SI. We will be in a better position to "zero in" on the most dangerous individuals, and this will permit intensification of investigations on them, should it be necessary. This will also set them up as prime targets for immediate apprehension in a practical working vein. This will enable us to "lop off" leadership of the subversive and dangerous groups immediately. Group activity will be paralyzed by depriving them of leadership. This will also tend to nullify the total influence and activity of this type of organization.

Memo to Mr. W. C. Sullivan
RE: DETPRO

The more strict procedure of verification of residences and employments of every 3 months instead of 6 months for Priority I list will greatly assist in maintaining knowledge of the whereabouts of these individuals, which is as it should be.

The size of each Priority list cannot be determined until a review of the SI has been completed. It is estimated that Priority I will be approximately 750-1000, Priority II 2,500, and Priority III, 7,000.

The SI is made up principally of rank and file members; therefore, the greatest effect on our work will result from the proposal for Priority III.

The adoption of the proposals will result in the saving of agent and clerical time both at SOG and in the field in preparation and handling of approximately 3,500 reports a year.

The field will promptly report any unusual or important changes concerning a subject.

This will also release agent investigative time to concentrate on those individuals deemed more dangerous and at the same time not lose control over lesser subjects.

The field will continue to be required to know the current whereabouts of all subjects.

It is believed that this program is logical and workable and is in line with our continuing analysis to streamline our work. We are substantially cutting back on desirable but unnecessary paper work by cutting out unnecessary requirements. It is believed these proposals will greatly improve the efficiency of our work.

Mr. J. Walter Yeagley
Assistant Attorney General

May 1, 1968

Director, FBI

- 1 - Mr. DeLoach
- 1 - Mr. Sullivan
- 1 - Mr. C. D. Brennan
- 1 - Mr. Kalow

**PROGRAM FOR APPREHENSION AND
DETENTION OF PERSONS CONSIDERED
POTENTIALLY DANGEROUS TO THE
NATIONAL DEFENSE AND PUBLIC
SAFETY OF THE UNITED STATES**

Reference is made to your letter of April 11, 1968, captioned as above, which approved the criteria for inclusion of individuals on the Security Index. Reference is also made to my letter dated March 4, 1968, captioned "Presidential Emergency Action Documents," which designated representatives to discuss the implementation of the Emergency Detention Program.

This is to confirm the results of a conference between Mr. Clifford J. Nelson and Mr. Joseph M. Wyszynski of your Internal Security Division and Section Chief Charles D. Brennan and Special Agent Philip W. Kalow of this Bureau on April 22, 1968, relative to the definition of a dangerous person. In view of this conference, the following amendment to Item D of the Security Index criteria is being submitted to conform with the language as stated in the new Presidential Emergency Action Document 6: (The amendment is that portion which is underscored.)

"Although investigation has failed to establish overt acts or statements on the part of a subject within the time limits set out above, facts have been developed which clearly and unmistakably depict the subject as a dangerous individual who could be expected to commit acts inimical to the national defense and public safety of the U. S. in time of emergency. Such acts could include acts of terrorism, assassination, or any interference with or threat to the survival and effective operation of the national, state, and local governments and of the defense effort."

In addition to the foregoing, this Bureau has also made a study of the priority arrest procedures relating to the Emergency Detention Program. In this connection, it is felt

100-356062
PFE:LM (7)

GROUP 1
Excluded from automatic
downgrading and
declassification

See note, page three

2 MAY 6 1968

2174

MAILED 8
MAY 1 1968
COMM-FBI

- ___ Mason
- ___ DeLoach
- ___ Mohr
- ___ Bishop
- ___ Casper
- ___ Callahan
- ___ Conrad
- ___ Felt
- ___ Gale
- ___ Rosen
- ___ Sullivan
- ___ Tavel
- ___ Trotter
- ___ Tele. Room
- ___ Holmes
- ___ Gandy

DeLoach
241 9th
520

Mr. J. Walter Yeagley

that the following proposals establishing a new Priority Apprehension Program will streamline the effectiveness of the Emergency Detention Program:

1. That the Priority Apprehension Program be divided into three priority levels.
2. The first priority apprehension list will be entitled Priority I. This list will consist of hard core national and state basic revolutionary organization leaders and those leaders of other subversive organizations and unorganized groups and individuals who have indicated a propensity for violence and/or have received special training in sabotage, espionage, and/or guerrilla warfare. If appropriate, individuals employed in or having access to key and/or defense facilities will be included on this list. Reports pertaining to individuals in Priority I will be submitted on a six-month basis.
3. The second priority list will be entitled Priority II. This list will consist of second level leadership of basic revolutionary organizations and other subversive organizations and individuals who present a significant threat but are in less influential positions than those in Priority I. Reports pertaining to individuals in Priority II will be submitted on an annual basis.
4. The third priority list will be entitled Priority III. This list will consist of all other individuals on the Security Index. It will be made up mainly of rank and file members of basic revolutionary organizations and other subversive organizations, as well as other individuals whose activities warrant inclusion on the Security Index.
5. Each Priority list will be broken down into nationalistic tendencies and/or organizational affiliations so that apprehensions can be made in each category on a selected basis.

~~SECRET~~

Mr. J. Walter Yeagley

8. Individuals in each Priority will be apprehended only upon the Attorney General's authorization that their immobilization is in the best interests of the national defense of the United States.

The above proposals are submitted for your consideration, and it is requested that you advise whether or not they meet with your approval.

NOTE: Classified SECRET as pertains to Emergency Detention Program, component parts of which are so classified by the Department. See memorandum C. D. Brennan to W. C. Sullivan dated 4/30/68, captioned as above, PFE/LM.

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

TO : J. Edgar Hoover, Director
Federal Bureau of Investigation

DATE: June 17, 1968

FROM : *J. Yeagley*
J. Walter Yeagley
Assistant Attorney General
Internal Security Division

SUBJECT: PROGRAM FOR APPREHENSION AND DETENTION OF
PERSONS CONSIDERED POTENTIALLY DANGEROUS
TO THE NATIONAL DEFENSE AND PUBLIC SAFETY
OF THE UNITED STATES

SECRET

In reference to your letter of May 1 last, please be advised that your proposal to establish three priorities of apprehension in relation to the Emergency Detention Program is approved. This advice is also responsive to the request made in your letter of May 8, 1968 captioned Presidential Emergency Action Documents.

As to the matter of the security index criteria discussed in your May 1 letter, such criteria are presently under study and you will be advised thereon in a subsequent letter.

SECRET
GROUP 1

Excluded from automatic
downgrading and
declassification

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100-356062-2802

EX-115

16 JUN 27 1968

See
memo
6/19/68
PHE

57 10427

70 JUN 26 1968

2173

FEDERAL DEFENDANT'S EXHIBIT
NO. 11

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

EXP. PROC.
JUN 17 1968

2179

FEDERAL
DEFENDANT'S
EXHIBIT
NO. 18

Confessions of an FBI agent

Robert Wall knows
first-hand what
goes on inside the
FBI's Washington
field office,
and Robert Wall is
leaving the country

About seven years ago, Robert Wall joined the FBI because he wanted to "do something for good in the world, as naive as that sounds, and the FBI stood for all the good things." He resigned from the Bureau in 1970 after five years of service, and today at 33, he is planning to resign from the United States, at least temporarily, and move with his wife and three children to a small, isolated farm in Nova Scotia.

Both actions, rather drastic, are caused by varieties of disillusionment. And, by Wall's broadening quest for a life that makes sense to him.

The tale of his disillusionment with the FBI is traced in the following article by Wall (parts of which appeared in *The New York Review of Books*) and a second piece in next Sunday's *Forerunner*.

It was not a single event or experience in the FBI that forced Wall's decision, but rather, as he said in a recent conversation, "the overall experience. I suppose more than anything, the repression of political thinking as contrasted with the Bill of Rights. In Soviet Russia you know you have no rights and so it might be easier. You wouldn't expect anything there. But here, from history and the rhetoric all through our history, you do expect. Then came the realities of the Bureau . . . especially the treatment of black minorities."

When he resigned, his official reason for doing so was to attend law school. (That holding a law degree was not a requirement for an FBI agent was one of the first differences between the Bureau's public image and its reality Wall encountered.) "I didn't burn any bridges when I resigned. I was more cautious then and I didn't want any bad references in my personal fitness reports. I had no thought of going back, but was concerned about getting past the ethics board of the law association, if I had a bad FBI record."

Wall returned to Buffalo, where he was born and raised, where his large family still lives today. It is a family with a strong Catholic tradition; two of Wall's older brothers are priests, and he was educated in seminaries through high school, college and a year of post graduate studies, nearly becoming a priest himself. "They think I'm a radical," he said recently, "but they try to be very Christian in their attitudes. There is no open animosity. Nobody argues in our family."

In the fall of 1970, he entered law school at New York State University in Buffalo, believing that the law offered him his second chance "to do something for good . . . something that benefited mankind." Last January, he resigned, again having realities betray his ideals. "The law, as it's constituted today," Wall says, "cannot answer the problems we have in society."

While attending law school, Wall became active in various causes--the Harrisburg Defense Committee, the Buffalo Defense Committee--and he "attempted to point out and stop arbitrary actions of the police department in Buffalo. You know, there'd be demonstrations, and demonstrators got beat up, and we'd file complaints." But the gap between his law classes and what was supposed to be, and what he found in the streets and what was, grew hopelessly wide in Wall's eyes. "I was turned off to law as an effective way to change things."

There was another reason he gave up on law school and decided to move to Nova Scotia.

"I came out of the Bureau looking for a different type of life. And I began to see that as a lawyer, I'd have the same life style, the same emphasis on competition for success, the same influences on my kids . . . I'm happier now. Before I was making \$23,000, drove a fancy car. Now we live in a changing neighborhood with a broken-down Jeep wagon. But the change drew us close together, as people and a family. I have more time with the family."

He views Nova Scotia, in part, as an extension of his effort to create a "different kind of life."

"We'll be living in a relatively isolated situation and be able to deal with family and society on a different level . . . I decided on Nova Scotia for a few reasons. First, I wanted to get out of the country, so that we could get a perspective on the country you can't get any other way. Then, Nova Scotia is an economically depressed area, so land is cheap. And though we spent only two weeks there, we found it physically very beautiful. And we have some friends up there."

"A Cop-out? Yeah, everyone asks me that, and I have three things to say in reply. To begin with, my responsibility to my family comes first. In Nova Scotia, I think we'll grow even closer and I can build something for the future for them. Then, doing what I'm doing might serve as an example for others to follow. And, finally, there comes a point when you have to make an assessment of yourself and society, instead of charging ahead blindly . . . Who knows, maybe in a few years we'll be back."

"When you've come through what I've come through, you can't avoid a depression of a sort. But now, I'm not depressed. On the contrary, I look forward to a new and different life style."

— ROBERT WOOL

Photographed by Mike Mitchell



Ex-FBI agent Robert Wall helps his oldest daughter, Joan (5) with a math problem at a free school near his home in Buffalo, N.Y.

Part I

By Robert Wall

In May of 1965, after serving as a naval officer for several years, I arrived in Washington, D.C., to begin my training for the position of Special Agent with the Federal Bureau of Investigation. I was both naive and apolitical. I thought of myself as an intense idealist and was convinced that the FBI was an organization in which personal integrity was highly valued. To me the organization was above all a protector of the innocent public and only secondarily the relentless pursuer of wrongdoers. In short, I was an ideal candidate for the job. I would not question; I would simply learn to do as I was told, content to believe that the FBI would never direct me wrong.

This belief managed to survive my first two years in the Bureau, during which I worked on criminal investigations and government job applications. It was when I was assigned to work in Internal Security in Washington, D.C., that I began to have my first serious doubts about the integrity of the organization, its motives, and its goals.

The Washington Field Office is the operating arm of the FBI in Washington, D.C. Like other field offices, we reported to the Bureau's Washington headquarters, but our office was one of the largest. Assigned to the office were between 500 and 600 agents, broken up into squads of from a handful to 50 or 60. Two squads worked only on applications for government jobs and five or six handled criminal investigations. In addition, there were nine squads assigned to do "security" work. One of those nine was charged with investigating all of the various individuals and organizations that allegedly threatened the national security or that advocated the overthrow of the United States government by force or violence.

It was to this squad that I was assigned in May, 1967, shortly before my second anniversary as an agent. I looked forward to the assignment because anything would have looked good to me after a few months spent investigating applicants for government jobs. But I realized that all my FBI experience until then had in no way prepared me for work in security. During the training course for new agents which I had undergone in 1965, instruction on "security" meant listening to stories of the Bureau's great accomplishments, e.g., the capture of the Nazi espionage teams that landed in Florida and New England during World War II, and, of course, the apprehension of Colonel Rudolph Abel. We learned also that the Bureau had been able to break up the Ku Klux Klan and the Communist Party.



But nothing in this training was meant to define how the FBI views national security or threats to it. We were told instead that only a handful of experienced and carefully picked agents, the "cream of the crop," were selected to work in this most difficult and challenging field. Furthermore, information about the security work of the FBI was supplied on a "need to know" basis only, and there was no immediate need to tell us much more.

Later, in September, 1967, I was sent to the FBI National Academy in Quantico, Va., for a two week in-service training in "Basic Security." But this consisted mainly of an elaborate rehash of the noninformation we had received during new agents' training. Nonetheless, I was eager to learn more about the work of the squad and the men assigned to it.

The Washington Field Office occupied the entire fourth and fifth floors and part of the sixth and eighth floors of the Old Post Office

Building located between 16th and 11th Streets on Pennsylvania Avenue.

I found Squad 5-7's space on the fourth floor on the 11th Street side of the building. Three rooms were designated for its use. The first was utilized by the squad supervisor, the second by the supervisor's secretary, a confidential file clerk and a few filing cabinets and the third by the dozen or so agents who made up the bulk of the squad. The third or squad room, as it was called, was jammed full of desks.

Groups opposed to the war in Vietnam, the draft, the House Un-American Activities Committee and other politically deviant groups fell to the squad for investigation as did a variety of civil rights organizations such as the Student Nonviolent Coordinating Committee (SNCC), Congress of Racial Equality (CORE), Southern Christian Leadership Conference (SCLC), and later the Black Panther Party.

After introducing me to a number of the squad members who were present at the time, my new supervisor directed me to acquaint myself with the work of the squad by reading through sections of the Manual of Instructions which pertained to Security Investigations. I found an empty desk and began to scan the seemingly endless pages of precisely ordered gibberish contained in the manual. This task was so boring and the result so meaningless that I was soon searching for any excuse to get out of the office.

In mid-morning of my second day on the squad, the supervisor came into the squad room with a teletype and laid it on the desk of an agent sitting nearby. He told the agent to get a few others who weren't busy and cover the demonstration mentioned in the teletype. A group gathered around to see what the assignment was and I joined them. Anxious for any diversion, I volunteered to assist. A number of others also signified their willingness to take part in the coverage. No one who expressed an interest was refused. It reminded me of the city room of a newspaper in an old movie where the editor comes rushing in yelling that there's a big fire in the old Glutz Warehouse and orders out a couple of reporters and a photographer to cover it.

No special preparations were required. The agents who had agreed to take part returned to their desks and cleaned up their paper work and a few minutes later gathered at the door of the squad room. There were five or six in all including one who was specially trained and equipped for photography.

I had no idea of what I was supposed to do. The teletype had said simply that two busloads of steelworkers from Bethlehem Steel's Sparrow Point Plant (near Baltimore) were planning to picket at the Department of Labor, charging Bethlehem with racial discrimination in hiring and promotion and demanding that the Department of Labor step in to protect the rights of the workers discriminated against. I remember asking at the time, "Why are we covering this demonstration?" The answer, which I accepted unquestioningly at the time, was something to the effect that the FBI is charged with the responsibility of reporting on situations from which possible racial violence could arise. It was a glib response which was easily accepted. The riot in Watts was still a fresh memory. The Congress of Racial Equality (CORE) was sponsoring the demonstration. I knew of a case in the office titled "Commint Core" (shorthand for Communist infiltration of CORE). And I reasoned that we wouldn't even have such a case unless there was a good reason to believe that the Communists were trying to take over the civil rights movement. So, logically, we could cover the demonstration to guard against any attempt to provoke racial violence.

Laise asked what I was supposed to do. The answer here was simply that I should stand discreetly near the picketing, observe and record any signs being carried, try to identify the leaders or spokesmen of the group and determine, if possible the full extent of the group's plans. And so I spent the afternoon standing near the Department of Labor watching about 100 people march about in a circle, carrying signs, chanting and singing until a small delegation from the demonstrators met with some Labor Department officials inside the building. The remaining pickets gathered in the Departmental Auditorium located next door and were addressed by James Farmer who was then a former director of CORE. He spoke movingly of the struggle for civil rights in the South and how demonstrations such as the one which had just taken place were carrying on the spirit of that struggle in the North. Again I wondered why we were covering the demonstration when it seemed more consistent that we should have been there, if at all, to protect the marchers rather than surveil them.

I received my appointment to the FBI just one month after I was released from active duty in the Navy. In my final year of active duty I was stationed near Washington and looked there for a job for the time when I would be getting out. I had long considered joining the FBI and to facilitate this had begun going to Law School at night. I was then still under the impression that to be a Special Agent of the FBI required that you be either a lawyer or an accountant. Acting on instinct, one afternoon when I was in Washington I dropped in at the FBI headquarters building and went to the personnel office. I wanted to find out if there was any way in which I could work for the Bureau while I completed my studies at Law School. The secretary in the personnel office asked me a few questions about my current status with the Navy and then provided me with some applications for the job of Special Agent. Encouraged by this, I filled out the forms and a few weeks later stopped by once again, intending to drop them off and spend the rest of the day sightseeing in D.C. The same secretary then asked me if I had a few minutes to take a few tests and perhaps be interviewed briefly. My affirmative response began a day-long session of tests and interviews which terminated near 6 p.m. that evening. The tests seemed quite simple. One was a spelling test of 30 or so words and another was a matching test which required that the names of famous persons such as Stalin and Tito be joined with their true given names.

The interviewers repeatedly asked why I wanted to join the FBI, as though my response to this query would in some way tell whether or not I was qualified to get the job.

Less than a month after my release from active duty in the Navy, I received a telegram advising me that I was being offered an "excepted" appointment to the FBI to commence on 5/10/65 and if I accepted, I was to wire my reply immediately. I didn't know what an "excepted" appointment was but nonetheless I readily accepted and so on 5/10/65 found myself in the lobby of the Old Post Office Building looking for directions to the training division.

My strongest recollection of the three months that followed was that I spent most of my time fighting the impulse to fall asleep. However, the threat of surprise quizzes and the realization that my career hung in the balance aided in the fight. Almost seven of the 12 weeks were spent in one room on the sixth floor of the Old Post Office Building where from 9 am until 6 pm, with right 10-minute breaks on the hour and an hour for lunch, we were verbally assaulted by a variety of individuals, each of whom prefaced his remarks by reciting what seemed to be a formula: "What I'm going to tell you will be the most important thing that you'll hear in the course." Except for the three weeks we spent at Quantico, Va., learning how to point a gun in the right direction, the only break in the monotony was speculating about the places where we might be sent for our first office assignment.

On our last day in Washington, my wife along with the wives of four other agents who happened to be in D.C. at the time were given a guided tour of the FBI headquarters ending in a visit and short lecture by Asst. Director J.J. Casper. The lecture consisted of a streamlined course in how

to be a "good FBI wife." It was a condensed version of the socialization which we as new agents had received over the period of 12 weeks. He told them how they were expected to dress, how to behave in public and that they should refrain from making any public statement, even to neighbors, about politics because what they said as wives of FBI agents would reflect on the Bureau and the careers of their husbands.

It was understood among agents that if your wife somehow embarrassed the Bureau, say, became active in some peace or civil rights organization the Bureau considered radical, you could expect to be put on the transfer circuit, which

meant being transferred from one undesirable office to another, until you had enough and quit.

My wife resented Casper's lecture and attitude, rejecting as unreasonable most of what he said. In part, this led us to resolve to keep our personal lives separate from the Bureau and to avoid as much as possible socializing with other agents and their wives when I was off duty.

In my first assignment in Miami, Fla., where I handled routine criminal investigations such as interstate transportation of stolen motor vehicles, this resolve led us to take an apartment in the city in a section where recent arrivals from Cuba were making their homes, rather than in the suburbs where most of the other agents lived. What little socializing we did was mainly among the Cuban refugees. Wives of agents in Miami had a club, but my wife was not a part of it.

My assignment to the Washington Field Office's Squad S-7 (Internal Security) coincided with stepped up activity of the peace movement. The antiwar movement was rapidly becoming a movement of national significance and the FBI was gearing up to investigate what was becoming, in its eyes, a threat to national security.

The heyday of this squad was during the late '40s and early 50s when those who were called Communists, pinkos, reds, Commie symps, fellow travelers, and sundry other names were being "discovered" and routed from all levels of American society. By the time I arrived on the scene the squad was jokingly referred to by some as "the graveyard," owing to the advanced age of some of the agents and the motionless manner in which they conducted their investigations now that their prime had passed. Of the dozen or so agents on the squad, all were near or past their 20th year of service in the

Bureau. Most of them had spent the better part of their careers on the squad as "red chasers."

Each of the older agents would willingly relate how he had shared in the FBI's successful smashing of the Communist Party. The stories most often had the flavor of back fence gossip, for they concerned not some insidious plot to overthrow the government, but rather the clandestine love affairs of various Party members.

One agent told me that he spent 12 years of his Bureau service in "lookouts." A lookout is a place where an agent can sit (sometimes stand, kneel, lie, or squat, but usually sit) unobserved and look out to see what the person under investigation is doing. One of these lookouts which he recalled fondly was in a hotel room across an airshaft from a room rented by a Communist Party "angel" in a downtown Washington, D.C., hotel. In fact this agent had spent some years of his life peering across the airshaft at his wholly innocuous subject. The blinds in the room he watched were never closed. He liked to tell of the lively sexual activities he had seen. He seemed to think that, in the absence of other evidence, they confirmed that something subversive was taking place.

Another agent told of months spent watching the suburban home of a suspected "Commie" where the only information of value obtained was that after the suspect left for work in the morning his wife would signal to her lover, who lived two streets

away, by switching on the back porch light. The lover would then jump in his car and race over for a morning visit. The agent's report indicated the time elapsed from the moment when the porch light went on until the lover arrived panting at the door, and then the length of his stay. The lover was not known to be a member of the Party, but was suspected of being a sympathizer, which may have been the justification used by the agents to account for the time they spent watching that particular house.

By 1967, the Communist Party in Washington, D.C., had only three members remaining. The main function of the squad then was to verify the residence and employment of the persons who once had been subjects of FBI investigation and who were still considered dangerous enough to keep track of, even though they were no longer active with the Party or any other subversive group, for that matter. Every three, six, nine, or 12 months the files on these persons would be reopened and assigned to an agent on the squad who would make certain that the individual still lived at the same address and worked at the same job.

To accomplish this task, the agent could use several methods. He could personally observe the subject at his home and follow him to work. Or he could request the agents handling one of the three remaining informants familiar with former Party members to ask the informants about the man in question. The latter method was usually chosen since it would eliminate any real work for the agent. After the informant had reported, the case could then be closed again. In closing the case, the agent could either certify that the subject was still worthy of the Bureau's attention or try to give him a lower priority, thereby lengthening the interval before the file had to be reopened. It was simpler and required much less paperwork to certify that the subject still needed watching. Thus the investigations of hundreds of perfectly harmless people continued on through the years.

Also by 1967, the antiwar movement was growing from its lean beginnings to a movement of national significance. The response of the Bureau was consistent with its history. It determined that the movement was a part of the larger Communist conspiracy to overthrow the United States government. Having decided this, the Bureau set about to investigate the movement to show the existence of the conspiracy.

Proof sufficient to satisfy the Bureau was readily available. For example, it was noted that among the 35,000 to 40,000 persons who took part in the march on the Pentagon in October, 1967, approximately 20 persons who had once been named as members, suspected members, or sympathizers of the Communist Party were reported to be in the crowd. A few among them had actually assisted in organizing the march. Although the Bureau always insists that it neither draws conclusions nor makes recommendations from the facts it gathers, the FBI report on the march on the Pentagon was leaked to the press and its impact was obvious: the thousands who marched to protest the war in Southeast Asia were publicly labeled as mere pawns in a Communist master plan to spread dissent throughout the nation. They had been duped into giving aid and comfort to the enemy and demoralizing our fighting men.

Had the Bureau believed its own propaganda, it would have investigated



only the "Communist agitators" in the antiwar movement. Instead we were directed to investigate all the leaders in all the local peace groups and to determine among other things the source of any money used to finance the movement. From there it was a simple step to the investigation of anyone connected to the peace movement in any way. The number of investigations was limited only by the time available and the problem of distinguishing the organizers and leaders of mass rallies from the passive followers.

To deal with the peace movement the FBI followed its usual practice of planting informants. It was easy to recruit young people to infiltrate the antiwar organizations and other groups in the so-called "New Left" since large numbers of volunteers were needed to hand out leaflets, run mimeo machines, answer phones, stuff envelopes, and similar chores connected with political organizing. All one of our FBI informants needed to do was walk into the office and state briefly that he was opposed to the war and wished to volunteer his services. He would seldom be challenged to prove his allegiance to the movement. Then, with little additional effort, he had access to mailing lists, names of contributors, copies of leaflets and handbills, and was able to report in detail on any organizational meetings that might take place.

Since an organization gave an informant a con-

venient base from which to operate, the Bureau tried to place informants in all the organizations likely to participate in any mass march or demonstration. Then if a coalition of groups was formed to plan a large rally, at least one informant would, we hoped, be among those selected to represent a group when the coalition met to plan its activities. Frequently this was the case.

The informants were always directed to look especially for any indication that violence was being planned by any group or individual within a group. This was the rationale by which the Bureau justified its infiltration of these political organizations, although during my three years working on radical groups I never found any evidence that would lead to a conviction for criminal violence.

But the Bureau also had an active counterintelligence program which was titled "Coin-telpro-New Left." This program was designed to develop means to thwart and undermine the activities of any organization that fell into the category of "New Left." A frequent tactic was to leak stories to the press and television shortly before any mass march or rally. This was easy enough to do. Agents in our offices would write often fanciful press releases warning that violence was expected on the day of the rally, or that the organizers of the march were in contact with Hanoi,

or that some known Communists were active in organizing the march. Our superiors in the Internal Security Division at FBI headquarters would then pass on the information to conservative newspapers, which published it immediately. The purpose of such stories was not only to influence the general public but to scare away those

whose commitment was weak and thereby reduce the number of persons who might otherwise attend.

Another purpose of the program was to create dissent among the various groups involved in the New Left to prevent them from working together. In one case we addressed a letter to the leaders of the National Mobilization Committee (NMC) which said that the blacks of Washington, D.C., would not support the upcoming rally of the NMC unless a \$20,000 "security bond" was paid to a black organization in Washington. At the same time we instructed some informants we had placed in the black organization to suggest the idea of a security bond informally to leaders of the organization. The letter we composed was approved by the Bureau's counterintelligence desk and was signed with the forged signature of a leader of the black group. Later, through informants in the NMC, we learned that the letter had caused a great deal of confusion and had a significant effect on the planning for the march.



I should stress that such "counterintelligence" activities were carried on frequently, although some were quite absurd. For example, some of the agents in our office tried to confuse peace demonstrations by such collegiate tactics as handing out leaflets giving misleading information about the time and place the marchers were supposed to meet.

The FBI claims to be a nonpolitical organization and asserts that it is not a national police force. But in its intelligence and counterintelligence work on the New Left it was engaging in activity that clearly was political. Moreover, in trying to suppress and discourage a broad-based national political movement, it acted as a national political police.

"In trying to suppress . . . a broad-based national political movement . . . the FBI acted as a national police force . . ."

"Had the Bureau believed its own propaganda, it would have investigated only the 'Communist agitators' in the anti-war movement . . ."

"The agent . . . liked to tell of the lively sexual activities he had seen . . ."

"If your wife embarrassed the Bureau . . . you could be put on the transfer circuit . . ."

We were directed to investigate the leaders of peace groups and to determine the source of movement money. . .

The bureau leaked rumors of violence before mass marches to scare away those whose commitment was weak.

The heyday of the squad . . . was during the late '40s . . . when those who were called Communists were being 'discovered' and routed from American society.

Special Agent for the FBI

Robert Wall

In May of 1965, after serving as a naval officer for several years, I arrived in Washington, D.C., to begin my training for the position of Special Agent with the Federal Bureau of Investigation. I was both naive and apolitical. I thought of myself as an intense methodist and was convinced that the FBI was an organization in which personal integrity was highly valued. To me the organization was above all a protector of the innocent public and only secondarily the relentless pursuer of wrongdoers. In short, I was an idealist. For the job, I would not quit if I would simply learn to do as I was told, content to believe that the FBI would never do anything wrong.

This belief managed to survive my first two years in the bureau, during which I worked on criminal investigations and government job applications. It was when I was assigned to work in Internal Security in Washington, D.C., that I began to have my first serious doubts about the integrity of the organization, its motives, and its goals.

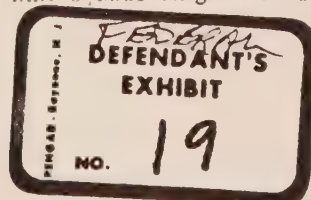
The Washington Field Office is the operating arm of the FBI in Washington, D.C. Like other field offices, we reported to the bureau's Washington headquarters, but our office was one of the largest. Assigned to the office were between five and six hundred agents, broken up into squads of from a handful to fifty or sixty. Two squads worked only on applications for government jobs and five or six handled criminal investigations. In addition, there were nine squads assigned to do

"security" work. One of those nine was charged with investigating all of the various individuals and organizations that allegedly threatened the national security or that advocated the overthrow of the United States government by force or violence.

It was to this squad that I was assigned in May, 1967, shortly before my second anniversary as an agent. I looked forward to the assignment because anything would have looked good to me after a few months spent investigating applicants for government jobs. But I realized that all my FBI experience until then had in no way prepared me for work in security. During the training course for new agents which I had undergone in 1965, instruction on "security" meant listening to stories of the bureau's great accomplishments, e.g., the capture of the Nazi espionage teams that landed in Florida and New England during World War II, and, of course, the apprehension of Colonel Rudolph Abel. We learned also that the bureau had been able to break up the Ku Klux Klan and the Communist Party.

But nothing in this training was meant to define how the FBI views national security or threats to it. We were told instead that only a handful of experienced and carefully picked agents, the "cream of the crop," were selected to work in this most difficult and challenging field. Furthermore, information about the security work of the FBI was supplied on a "need to know" basis only, and there was no immediate need to tell us much more.

Later, in September, 1967, I was sent to the FBI National Academy in Quantico, Virginia, for a two week



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in-service training in "Basic Security." But this consisted mainly of an elaborate relish of the noninformation we had received during new agents training. Nonetheless, I was eager to learn more about the work of the squad and the men assigned to it.

The heyday of this squad was during the late Forties and early Fifties when those who were called Communists, pinkos, reds, Commie symps, fellow travelers, and sundry other names were being "discovered" and routed from all levels of American society. By the time I arrived on the scene the squad was jokingly referred to by some as "the graveyard," owing to the advancement of some of the agents and the iron-fisted manner in which they conducted their investigations, now that their prime had passed. Of the dozen or so agents on the squad, "I" were now or past their eventual job of watching the current. Most of them had spent the better part of their careers on the squad as "red chasers."

Each of the older agents would willingly relate how he had shared in the FBI's successful smothering of the Communist Party. The stories most often had the flavor of back fence gossip; they concerned not some insidious plot to overthrow the government, but rather the clandestine love affairs of various Party members.

One agent told me that he spent twelve years of his bureau service in "lookouts." A lookout is a place where an agent can sit (sometimes stand, kneel, lie, or squat, but usually sit) unobserved and look out to see what the person under investigation is doing. One of these lookouts which he recalled fondly was in a hotel room across an airshaft from a room rented

by a Communist Party "angel" in a downtown Washington, D. C., hotel. In fact this agent had spent some years of his life peering across the airshaft at his wholly innocuous subject. The blinds in the room he watched were never closed. He liked to tell of the lively sexual activities he had seen. He seemed to think that, in the absence of other evidence, they confirmed that something subversive was taking place.

Another agent told of months spent watching the suburban home of a suspected "Commie" where the only information of value obtained was that after the suspect left for work in the morning his wife would signal to her lover, who lived two streets away, by switching on the back porch light. The lover would then jump in his car and race over for a morning visit. The agent's report indicated the time elapsed from the moment when the porch light went on until the lover arrived panting at the door, and then the length of his stay. The lover was not known to be a member of the Party, but was suspected of being a sympathizer, which may have been the justification used by the agents to account for the time they spent watching that particular house.

By 1967, the Communist Party in Washington, D. C., had only three members remaining. The main function of the squad then was to verify the residence and employment of the persons who once had been subjects of FBI investigation and who were still considered dangerous enough to keep track of, even though they were no longer active with the Party or any other subversive group, for that matter. Every three, six, nine, or twelve months the files on these persons

would be reopened and assigned to an agent on the squad who would make certain that the individual still lived at the same address and worked at the same job.

To accomplish this task, the agent could use several methods. He could personally observe the subject at his home and follow him to work. Or he could request the agents handling one of the three remaining informants familiar with former Party members to ask the informants about the man in question. The latter method was usually chosen since it would eliminate any real work for the agent. After the informant had reported, the case could then be closed again. In closing the case, the agent could either certify that the subject was still worthy of the bureau's attention or try to give him a lower priority, thereby lengthening the interval before the file had to be reopened. It was simpler and required much less paperwork to certify that the subject still needed watching. Thus the investigations of hundreds of perfectly lawless people continued on through the years.

II

By 1967, the antiwar movement was growing from its lean beginnings to a movement of national significance. The response of the bureau was consistent with its history. It determined that the movement was a part of the larger Communist conspiracy to overthrow the United States government. Having decided this, the bureau set about to investigate the movement to show the existence of the conspiracy.

Proof sufficient to satisfy the bureau was readily available. For example, it was noted that among the thirty-five to forty thousand persons who took part in the march on the Pentagon in October, 1967, approximately twenty

persons who had once been named as members, suspected members, or sympathizers of the Communist Party were reported to be in the crowd. A few among them had actually assisted in organizing the march. Although the bureau always insists that it neither draws conclusions nor makes recommendations from the facts that it gathers, the FBI report on the march on the Pentagon was leaked to the press and its impact was obvious: the thousands who marched to protest the war in Southeast Asia were publicly labeled as mere pawns in a Communist master plan to spread dissent throughout the nation. They had been duped into giving aid and comfort to the enemy and demoralizing our fighting men.

Had the bureau believed its own propaganda, it would have investigated only the "Communist agitators" in the antiwar movement. Instead we were directed to investigate all the leaders in all the local peace groups and to determine among other things the source of any money used to finance the movement. From there it was a simple step to the investigation of anyone connected to the peace movement in any way. The number of investigations was limited only by the time available and the problem of distinguishing the organizers and leaders of mass rallies from the passive followers.

To deal with the peace movement the FBI followed its usual practice of planting informants. It was easy to recruit young people to infiltrate the antiwar organizations and other groups in the so-called "New Left" since large numbers of volunteers were needed to hand out leaflets, run mimeo machines, answer phones, stuff envelopes, and similar chores connected with political

organizing. All one of our FBI informants needed to do was walk into the office and state briefly that he was opposed to the war and wished to volunteer his services. He would seldom be challenged to prove his allegiance to the movement. Then, with little additional effort, he had access to mailing lists, names of contributors, copies of leaflets and handbills, and was able to report in detail on any organizational meetings that might take place.

Since an organization gave an informant a convenient base from which to operate, the bureau tried to place informants in all the organizations likely to participate in any mass march or demonstration. Then if a coalition of groups was formed to plan a large rally, at least one informant would, we hoped, be among those selected to represent a group when the coalition met to plan its activities. Frequently this was the case.

The informants were always directed to look especially for any indication that violence was being planned by any group or individual within a group. This was the rule by which the bureau tried its infiltration of these political organizations, although during my three years working on radical groups I never found any evidence that would lead to a conviction for criminal violence.

But the bureau also had an active counterintelligence program which was titled "Comtelpro-New Left." This program was designed to develop means to thwart and undermine the activities of any organization that fell into the category of "New Left." A frequent tactic was to leak stories to the press and television shortly before any mass march or rally. This was easy enough to do. Agents in our offices

would write often fanciful press releases warning that violence was expected on the day of the rally, or that the organizers of the march were in contact with Hanoi, or that some known Communists were active in organizing the march. Our superiors in the Internal Security Division at FBI headquarters would then pass on the information to conservative newspapers, which published it immediately. The purpose of such stories was not only to influence the general public but to scare away those whose commitment was weak and thereby reduce the number of persons who might otherwise attend.

Another purpose of the program was to create dissent among the various groups involved in the new left to prevent them from working together. In one case we addressed a letter to the leaders of the National Mobilization Committee (NMC) which said that the blacks of Washington, D. C., would not support the upcoming rally of the NMC unless a twenty thousand dollar "security bond" was paid to a black organization in Washington. At the same time we instructed some informants we had placed in the black organization to suggest the idea of a security bond informally to leaders of the organization. The letter we composed was approved by the bureau's counterintelligence desk and was signed with the forged signature of a leader of the black group. Later, through informants in the NMC, we learned that the letter had caused a great deal of confusion and had a significant effect on the planning for the march.

I should stress that such "counterintelligence" activities were carried on frequently, although some were quite absurd. For example, some of the agents in our office tried to confuse peace demonstrations by such col-

legiate tactics as handing out leaflets giving misleading information about the time and place when the marchers were supposed to meet.

The FBI claims to be a nonpolitical organization and asserts that it is not a national police force. But in its intelligence and counterintelligence work on the new left it was engaging in activity that clearly was political. Moreover, in trying to suppress and discourage a broad-based national political movement, it acted as a national political police.

III

The FBI has always been divided about college campuses. It wants to know what is happening on the campus, yet it is afraid of being charged with interfering with academic freedom. When the antiwar students began challenging the legitimacy of the Reserve Officers Training Corps (ROTC), the propriety of secret military research projects in colleges and universities, and the loyalty and morality of the draft, they turned their campuses into centers of political activity.

The bureau's first response to this student activism had a cautious note. We were instructed to investigate to determine who was responsible for the demonstrations and uprisings on the campuses, on the theory that they were organized by outside agitators traveling around the country, but not to conduct investigations on campus. We were told to plant informants in violence-prone student groups but not to use students themselves as informants. Then as campus activity increased we got the green light to recruit students again but were warned to choose only those who were "mature" and reliable. Those students selected were to be admonished strongly that the bureau was not interested in "legitimate campus activity" (a term as definable as "New Left").

I was understandably somewhat anxious when in November, 1967, I was assigned the case titled "Students for a Democratic Society (SDS)." Here was the organization that the bureau had singled out among all the other young activist groups for special attention. I was told that I had to prepare a comprehensive report on all SDS activities in the Washington, D. C., area in less than a month. Every campus SDS chapter was to be identified, as were the names and backgrounds of all officers of the various groups, the number of members in each chapter, the activities of each group, including especially any activity where violence or destruction of property took place.

The agent previously assigned to the case assured me that a brief letter to the bureau would suffice since there was no significant SDS activity in Washington, D. C., a fact that he had dutifully reported three times in the preceding year. (This particular agent was at the time moving up the ladder of bureau success to a supervisory position and I felt certain that his astute handling of the SDS case was largely responsible.)

With very little effort I was able to learn that there were already four campus SDS chapters in the city and an SDS regional office had just been

set up. Realizing that it would be impossible in the time remaining to compile all the information demanded by the bureau, I chose to imitate my predecessor and reported that there was no significant SDS activity in the Washington, D. C., area. Shortly thereafter, when the squad was beefed up, I arranged to have the SDS case reassigned to one of the newcomers.

The bureau's ambivalence regarding campus unrest was apparent when the Washington Field Office received a request from then Assistant Director William Sullivan to analyze the activity on campuses, point out the causes, and recommend the appropriate FBI policy for dealing with student movements. Since our squad was closest to the problem, the job of preparing the position paper was turned over to us. Our squad supervisor elected to assign the task to an older agent who had recently been assigned to the squad. This agent had little experience with college matters but had as yet been assigned few cases and had more time available. He also had a reputation for being able to "write well," that is, to say what the bureau wanted to hear in the language to which it was accustomed.

When I learned of the choice I was disturbed. The agent chosen, if described by a friend, would have been called an extreme conservative. In the banner of the office I had hung the label "fascist pig" on him. He in turn called me the "Father Gropi" of the office, or "Grop" for short. I knew that he saw a conspiracy in every campus demonstration and felt that swifter police action was the first and best answer to any problem of disruption by college students. So I knew what tack he would take.

At this point I was still naïve enough

to believe that the bureau was amenable to change and I saw this paper as an opportunity to "affect the bureau from within." So I went to my supervisor and asked for his permission to take over the assignment of preparing the paper for Sullivan. He refused because, in his words, "You're too young to place the SDS in proper historical perspective with the old guard Communist organizations." Undismayed, I "borrowed" the rough draft of my colleague's paper and proceeded to draft a reply and counterproposal. In essence I contended that university administrators needed to re-evaluate the role of the university in our society and take the initiative away from radical agitators by instituting needed changes before the demand for these changes became the rallying point for student discontent.

I concluded that if university administrators could recognize the issues behind the student uprisings, meet with student representatives, and be willing to compromise, they would generally be able to avert destructive confrontation. I recommended that the bureau keep its hands off the universities, even those that had already suffered disruption, because the FBI had no legal justification to intrude; any intrusion would, moreover, be taken by students as an indication of attempted repression by federal authorities.

When I dropped my paper on the supervisor's desk, he handled the situation with the skill of a diplomat. Rather than choose between the papers, he gave both to a third agent to prepare a compromise paper to be presented to Sullivan, setting out the principal points on both sides of the issue. He promised also that I would have the opportunity to make an oral presentation to Sullivan at a later date.

About two weeks later, I returned to the office unexpectedly in mid-morning to discover that a meeting with Sullivan had been arranged at 1 P.M. that day. Angry at what appeared to be an attempt to keep me out, I went to the Coordinating Security Supervisor (my supervisor's supervisor) who had originally received the request from Sullivan that set the whole paper-writing flurry in motion. In his smooth Dixie manner he assured me that no slight had been intended. I had not been invited to the meeting merely because of an administrative oversight. Certainly I'd be allowed to have my say.

It seemed obvious to me then that they did not want me to attend the meeting but they didn't want to be too obvious about it. So I spent some time preparing an oral argument while I awaited the one o'clock meeting. At 12:45, just as I was bringing my shoes to a new luster, my phone rang. The Coordinating Supervisor on the other end advised me that unfortunately Mr. Sullivan's office had only four chairs for visitors and since I had been the last to request a part in the presentation and would be the fifth person, there was no choice but to exclude me. He tried to calm me with lavish praise for my initiative and willingness to tackle difficult problems, but he managed only a hollow laugh when I suggested that I'd accept standing room.

I was certain that my exclusion was just another example of how people on the lower levels of a bureaucracy act as a buffer for those higher up the ladder. They decided what the man at the top

wanted to hear and they gave him just that. They had heard and read Mr. Hoover's statements that the SDS was a subversive group that traveled about the country seeking to destroy the institutions of higher learning and they could not make a presentation that deviated from that line.

The final result was an order directing intensified investigations of student agitators and expanded "informant penetration" of campus SDS groups. Predictably, the informants reported the names of hundreds of students who had done no more than say they were interested in SDS or had dropped in at a meeting. Our Washington squad alone opened dozens of cases on freshmen college students who attended orientation sessions sponsored by SDS on Washington, D. C., campuses. Soon we had so many new cases that we had to request additional agents to handle this new "threat to national security."

IV

While we were investigating antiwar groups and student activists, the squad also handled what were called "Racial Matters." This category was an absurdly and frighteningly broad one. Investigations on almost anything done by or for black people could be opened simply by labeling it a Racial Matter. Here, for example, are some of the "cases" we investigated:

A group of teenagers from the ghetto areas of Washington, D. C., who marched to the city council chambers and demanded restoration of funds for summer jobs for ghetto youth.

Two busloads of steelworkers who picketed the Department of Labor to protest discriminatory practices at the Bethlehem Steel Sparrow's Point (near Baltimore) plant.

A group of high-school students who staged a protest in their school cafeteria complaining that the food was not fit for human consumption.

Two members of the Student Non-violent Coordinating Committee (SNCC) who opened a bookstore on 14th Street in northwest Washington.

The FBI quickly responded with an investigation titled "Drum and Spear Bookstore, Racial Matter."

When the poor people's march was organized to dramatize the plight of the poor in our nation and a camp was set up near the Washington Monument, this was a Racial Matter. More logically perhaps, investigations of the Ku Klux Klan, the American Nazi Party, and similar groups were also Racial Matters.

Clearly the bureau had no rational criterion for opening these investigations. The only consistent pattern that I found was that if an individual or group is black and does something to gain attention it is likely to be investigated.

Our guide to Racial Matters at the field office was the early edition of the *Washington Post*. A typical news item would read: "Police arrested six persons early this morning when a crowd gathered as detectives of the Metropolitan Police Department were attempting to arrest a suspected narcotics peddler at the corner of 14th and U Streets, N.W. Some rocks and bottles were allegedly thrown at police," etc. Inevitably, when such a story appeared, we would receive a call from the supervisor of the Racial Desk in bureau headquarters asking what we knew about the incident. It was his firm conviction that incidents of this type were a manifestation of the conspiracy by blacks to take over their community by driving out the police.

So that we would not be embarrassed when the supervisor called, it became standard practice for one of the early arrivers in the office to scan the paper for articles like the one above. He would clip the item, call the precinct to verify the names of the persons arrested, and then paraphrase the news item in a teletype message to

bureau headquarters, advising them that we were following the incident and would report any further developments. A month or two later, the agent to whom the case was assigned would close it with a letter stating that the incident was apparently spontaneous and not part of a conspiracy, and giving an estimate of the damages, the names of those arrested, and the background of those who already had records in FBI files.

Often the supervisor on the Racial Desk at the bureau would request specific information about a case under investigation by the field office. The agent to whom the Drum and Spear Bookstore case was assigned received such a request. For months he had been investigating the bookstore, watching its operations, checking out its owners, looking into its bank records, trying to ascertain the source of its funds. He had found nothing connected with crime, conspiracy, or evil doings. Now he was instructed to go to the bookstore and purchase a copy of the "Little Red Book" containing the quotations of Chairman Mao Tse-tung. It was pointless to ask what purpose the purchase of this particular book would serve. It was obvious to us that the supervisor felt that the bookstore, by selling this book was somehow implicated in the Oriental branch of the Communist conspiracy.

The agent dutifully made his way to the Drum and Spear where he learned that they had sold their last copy of the book. Rather than order a copy to be mailed to the supervisor, a cheeky solution which he admitted considering, he returned downtown, bought a copy at Brentano's, and duly

passed it on to the bureau supervisor, just as if it had come from the Drum and Spear. Thereafter, the written description of the Drum and Spear contained the note that radical literature including the "Little Red Book" of Mao Tse-tung was obtainable there.

As I worked on Racial Matters in Washington (a city whose black population comprises more than 70 percent of the total), the appalling racism of the FBI on every level became glaringly apparent to me. It seemed that every politically dissident black man was a candidate for investigation. Perhaps this racism was no worse than in other branches of government, but it was extremely discouraging to find it so firmly entrenched in an organization of supposedly educated, professional men charged with responsibility for investigating violations of the civil rights laws.

The documents stolen from the Media, Pennsylvania, office of the FBI demonstrate the endemic racism of the bureau. In one memo that J. Edgar Hoover directed to all offices of the FBI, he ordered that "all black student unions and similar organizations organized to project the demands of black students, which are not presently under investigation, are to be subjects of discreet preliminary inquiries, limited to established sources and carefully conducted to avoid criticism, to determine the size, aims, purposes, activities, leadership, key activists, and extremist interest or influence in these groups." The stated purpose for these investigations was that these groups are the "target for influence and control by violence prone Black Panther Party (BPP) and other extremists."

Only the fact that the organizations to be investigated were black could explain the horrendous abuse of logic

that the bureau used to justify this invasion of campuses throughout the country. J. Edgar Hoover had publicly announced that the small and largely ineffectual Black Panther Party was the greatest single threat to the security of the country. Having itself created the threat, the bureau set out to neutralize it. Even if Hoover could have seriously documented his charges against the Panthers, which he never did, it was absurd to investigate hundreds of people whose only connection with the Black Panther Party was that the party was trying to influence them. Hoover might similarly have justified an FBI investigation of every member of a "working class" union because the Communist Party directed its propaganda and organizing effort at workers, or an investigation of every college student organization because the SDS sought to influence and control students.

Not was this assault on the black student unions an isolated incident. I could cite many similar ones, for example the FBI's interest in the Smithsonian Institute when it opened an annex in the largely black Anacostia section of Washington, D.C. One of the annex's first events was a program for Black History Week centered on the life and contributions of Frederick Douglass. The FBI actually paid informants to attend the program and report the contents of the speeches given during it.

In the case of Stokely Carmichael the FBI was particularly determined and vicious. When he moved to Washington, D.C., in December, 1967, our squad kept him under surveillance twenty-four hours a day, following him about the city from lookouts and cars,

and on foot. The investigation became even more intense a few days after Martin Luther King was assassinated. When blacks in Washington, D. C., as well as in many other cities, outraged by the murder, rioted for a day and a half, in the Washington Field Office a fifty-man special squad was assembled to get Carmichael for inciting to riot. We were directed to gather evidence showing that Carmichael had plotted, planned, and directed the rioting, burning, and pillage that took place in Washington, D.C. Fifty agents spent their full time for over a month on this one case.

One man, who later admitted that he had "been mistaken and perhaps exaggerated a bit," claimed that Carmichael had a pistol which he fired into the air and then told the crowd to go home and get guns. A great many others stated firmly that Carmichael had urged the crowd not to dishonor Dr. King's memory by rioting and had politely asked shop owners to close their shops in his memory. Lacking any substantiated evidence on which to base a charge, the bureau nevertheless submitted voluminous reports on the minute by minute activities of Carmichael that were heavily weighted to imply that he had actually incited the mobs. Had Carmichael not decided to leave this country and go to Africa, the FBI, I am confident, would eventually have found something with which to bring an indictment against him.

Quite by accident I learned that the Internal Revenue Service (IRS) was

aiding in the hunt for something with which to pin a charge on so-called "Black Militants." In early 1969 I was checking the background of a former member of SNCC, a man I had been investigating for almost two years. On three occasions I tried to close the case because I could find no indication that the subject was doing anything that would warrant an FBI investigation. Each time permission was refused; his status as a former member of SNCC being sufficient justification for going on with the investigation. I learned that the IRS had requested his arrest record from the Identification Division of the FBI. When I went to the IRS I found it had secretly set up a special squad of men to investigate the tax records of a list of "known militants and activists," and that the FBI was supplying the names of the persons for the IRS to include in this list. After talking to several IRS officials I was sent to a locked sound-proofed room in the basement of the IRS headquarters in Washington where I found a file on my subject, among hundreds of others piled on a long table.

V

There are hardly any limits on the bureau's activities in compiling political information, particularly about the new left. A case in point is the Institute for Policy Studies, an organization set up by dissenting officials in Kennedy's administration to carry out independent studies in international and domestic questions. The Institute

caught my attention shortly after I began investigating the new left. Reports from FBI informants showed that many of the leaders and spokesmen of antiwar and civil rights organizations called at the Institute when they visited Washington.

I reasoned that if there were a conspiracy that linked all these groups the Institute was the logical place to look for it. I drafted a memo to that effect and requested that a case on the Institute be opened and assigned to me. My supervisor quickly agreed; he was then trying to increase the case load of the squad to justify a request for an increase in manpower.

Most of the information about the Institute's work is easily available and I was soon able to accumulate a vast dossier on it including biographical sketches of its founders, sources of its financial support, a general idea of its day to day operation, and a pile of scholarly studies published by it. After analyzing this data I concluded that the Institute was not the secret mastermind of any conspiracy to overthrow the government but simply what I described in my report as a "think-tank of the Left," where a wide variety of current and former government officials, lawyers, journalists, radicals, and others were holding seminars, doing research, writing reports, etc. I closed the investigation. To do otherwise, incidentally, would have meant a mound of paperwork that would have occupied me full time for months.

About a year later another agent newly assigned to the squad came to see me with the closed file of the Institute and asked whether I thought the case ought to be reopened. This agent, like so many others, had strong

right-wing views and could not believe that the Institute was merely sponsoring seminars and doing the other work I had described. It seemed necessary to him to think that a grand new left conspiracy existed. In spite of my opposition, he had the case reopened and began a full-scale investigation of the Institute. He began monitoring the checking account of the Institute to determine where its money was going. He asked for telephone company records and compiled a list of the Institute's long distance telephone calls. He attempted to place informants in the Institute as student interns and gathered every available paper published by it. Individual investigations were then opened on the people who worked for or received money from the Institute.

When I left the bureau in April, 1970, the case on the Institute was still being investigated with gusto, and a huge collection of papers and reports on it had accumulated. So far as I have been able to determine, the FBI has found no evidence whatever of any illegal activity by the IPS, but the Institute continues to be investigated.

My experience has shown me that the FBI in its pursuit of blacks, the antiwar movement, and college activists was not an impartial, disinterested finder of fact but rather a relentless guardian of orthodoxy, a police force which sought to cause harm to movements that boldly questioned the policies of the government. It engaged in these activities not simply because of the political prejudices of the director and his staff, but, to a large extent, to justify its own existence. Each attack on any outspoken critic of American institutions was intended to show the FBI as the indispensable

protector of the public. To each slanderous name-calling or alarmist leak to the press, Hoover added a soft-spoken if tendentious appeal to Congress for more money and additional personnel. Enemies of the public were created to justify the bureau's role as defender of the "National Security" against domestic foes who sought, according to Hoover's propaganda, to subvert the country.

This is not to say that an effective federal investigative agency is not needed to deal with crimes or that the FBI itself has not done efficient and honest criminal work (although it has for years been reluctant to act vigorously against organized crime). But my years in the FBI convinced me that most of what the bureau does in matters of internal security consists of investigations and rumor mongering that are foolish, pointless, and time-wasting so far as protection of the public from violation of criminal laws is concerned; while the agency is all too effective in harassing legitimate political activity. At the same time, all of the investigations I have referred to here have resulted in adding more names and dossiers to the millions in the FBI's files. The FBI is thus creating a proliferating store of secret police files on innocent people, often based on bizarre allegations and dubious information, and sometimes on nothing at all.

What I saw and did as an agent for the FBI exposed for me the wisdom of the old question: Who will watch the watchers? I have no easy answer to it.

JOHN EDGAR HOOVER □

Former FBI Man Discloses IRS Tactics Against Radicals

By ROBERT M. SMITH
New York Times News Service

The Internal Revenue Service has acknowledged that it has a special seven-man unit whose sole job is to collect information on extremist political organizations and leaders of the left and right to uncover situations where there may have been tax evasion.

Leon Levine, a public information officer for IRS, said last night that he was not

clear what criteria are used to place people in the "extremist" category. But, he said, "because of the way some of these people behave in their everyday affairs, it's reasonable to believe some of them may be violating the tax laws."

The acknowledgement came after a former FBI agent had said he saw the soundproofed room in the basement of the IRS building in which the special squad worked.

The former agent, Robert N. Wall, made the disclosure recently while discussing some of the inner working of the FBI.

He said that FBI activities included monitoring the telephone calls of the Israeli Embassy, investigating and trying to place young informants in a liberal research institute, soliciting information from banks and telephone companies in the Washington area without getting subpoenas, and attempting to foment strife within radical circles through such devices as anonymous letters.

Triggered Gang War

Wall, a 33-year-old former naval officer and an FBI special agent for five years, made these disclosures in an article which will appear in the New York Review of Books, and in an interview at his home in Buffalo.

He left the FBI in April 1970. He says he had become disillusioned with the bureau, and with the American life style, and is moving to Nova Scotia.

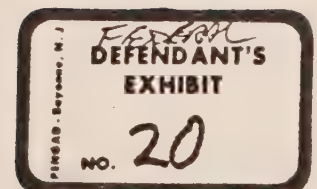
Almost all of Wall's allegations about the FBI have been independently verified by re-

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THE EVENING STAR

Washington, D. C., Thursday, January 13, 1972

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Drive on Extremists By IRS Is Disclosed

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reliable sources in and out of government. An FBI spokesman was asked yesterday whether the bureau tries to create dissension in radical circles, whether it monitors the telephones of foreign embassies and whether it solicits information from banks and telephone companies without subpoenas. The spokesman said the bureau would make "no comment whatsoever." A spokesman did confirm, however, that Wall had been a special agent.

A reliable source confirmed Wall's allegations about the bureau's attempts to sow dissension in extremist organizations. He said that it had also been done effectively in the case of the Ku Klux Klan and that the technique had been borrowed from FBI operations against organized crime. There, he said, an anonymous letter could result in gang warfare or the murder of a gangster.

On the special IRS unit, sources said that when it finds evidence that extremists have access to large sums of money, it passes on the information to regular tax-enforcement personnel at internal revenue. Among the items checked are whether the organization's leaders have filed tax returns and whether the organization itself is claiming a tax-exempt status that it does not actually have.

According to Wall, one purpose of the FBI's counterintelligence program "was to create dissent among the various groups involved in the new left to prevent them from working together."

"In one case we addressed a letter to the leaders of the National Mobilization Committee which said that the blacks of Washington, D.C., would not support the upcoming rally of the NMC (in 1969) unless a \$20,000 'security bond' was paid to a black organization in

Washington. At the same time we instructed some informants we had placed in the black organization to suggest the idea of a security bond informally to leaders of the organization."

"The letter we composed was approved by the bureau's counterintelligence desk and was signed with the forged signature of a leader of the black group."

"Later, through informants, we learned that the letter had caused a great deal of confusion and had a significant effect on the planning for the march."

Wall's article in the Jan. 27 issue of the New York Review of Books will also say that some of the agents in the Washington field office, where he worked, tried to confuse peace demonstrations by "handing out leaflets giving misleading information about the time and place when the marchers were supposed to meet."

A source here acknowledged, "we do disrupt where possible. We do the same thing with the Ku Klux Klan. We do it only where there is a likelihood of violence, to reduce violence."

The source went on to say, however, that with the exception of a 1967 march led by the Rev. Dr. Martin Luther King Jr., "There never was a peace march on Washington that didn't have a potential for violence."

Couldn't Understand

In Buffalo, Wall is a supporter of liberal causes ranging from the free-form Cause school—to which he sends his daughter—to the defense of a radical college student arrested with the help of a police undercover agent.

For the last year and a half he has been a law student at the State University of Buffalo but is now leaving school for Nova Scotia because he feels "law cannot handle society's problems."

Wall said he was being trained to listen in on the telephone calls of the Israeli Embassy. That was also confirmed by a reliable source, who said the Federal Bureau of Investigation also monitored and taped the conversations of Arab embassies.

Wall said in the interview that during the six-day Israeli-Arab War of 1967, the bureau was short-handed and he was pressed into service at a switchboard set up by the FBI to monitor all the calls being made to and from the Israeli Embassy. He said he did not overhear any interesting conversations. As a matter of fact, he said, he had difficulty understanding the conversations—"There are different accents, you know."

Bank Criticized

Wall's article in the New York Review of Books also says that while he was a member of a security unit in the Washington office he investigated the Institute for Policy Studies, a liberal "think tank" here headed by Marcus Raskin and Richard J. Barnet. Wall recalls that he himself opened that investigation:

"There are hardly any limits on the bureau's activities in compiling political information, particularly about the new left...."

"Individual investigations," Wall reports, "were then opened on the people who worked for or received money from the institute."

Wall concludes: "So far as I have been able to determine, the FBI has found no evidence whatever of any illegal activity by the IPS, but it continues to be investigated."

Barnet, co-director of the Institute of Policy Studies, said yesterday he had not been aware the FBI was investigating it until he met Wall recently.

Barnet also said the institute had affidavits from Wall saying that the bureau had seen bank records of the institute. The institute, said Barnet, is considering taking legal action against the Riggs bank for having made the records available without being served a subpoena.

John R. Cocker of the Riggs bank said today in response to a question, that "our practice has always been that we require a subpoena for any records from any government agency whatsoever, including the congress."

According to Wall, "an agent would go to Riggs and other banks and look at the statements and checks we were interested in the day the statements were supposed to go out to the customer. The bank would hold them back, then send them out the next day. The agent would Xerox them or take notes. We knew it wasn't supposed to be done."

"Nothing Is Sacred"

Wall also said the C&P Telephone Co. in Washington gave the bureau telephone records without a subpoena.

Frederick W. Langbein, general counsel for the telephone company, said yesterday it was "absolutely untrue" that the telephone company gave the records of calls without a subpoena. He said that making known the existence of a message was a violation of federal law.



PERSONAL ATTENTION
SAC LETTER 67-46

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

WASHINGTON, D.C. 20535

August 3, 1967

(A) **RACIAL DISTURBANCES** -- During the past weeks civil disturbances have occurred throughout the Nation. The President has established the National Advisory Commission on Civil Disorders to investigate and make recommendations with respect to the origins of major civil disorders and basic causes and influences, if any, of organizations or individuals dedicated to the incitement or encouragement of violence. The President has directed that all Federal executive agencies including specifically the FBI shall, within their jurisdiction, render information and assistance to the Commission.

The establishment of this Commission places on the FBI a grave responsibility in developing greater intelligence information concerning the factors causing and feeding these disorders, as well as factors indicating the potential of developing riotous situations.

The FBI, however, does not have responsibility for the protection of persons or property nor for the control of riotous situations. This is the responsibility of local and state authorities. It is absolutely essential, however, that the FBI be in a position to develop intelligence information concerning the involvement of organized or outside influences in these civil disorders. Each of you must evaluate your over-all intelligence coverage and immediately take the necessary steps to increase and strengthen your coverage in this vital area.

You are reminded of your existing responsibility for thorough and complete coverage of the activities and involvements of all subversive, extremist, and black nationalist organizations. Some of these organizations have directly involved themselves in varying degrees from propaganda to open advocacy of violence and anarchy. Thorough coverage of these groups must be obtained. Your coverage should be such as to insure complete knowledge of involvement of such groups in these disorders.

In the development of the true facts surrounding the causes behind racial disorders, allegations concerning organized or outside influences in the situation must be thoroughly explored. Selected interviews to develop these facts should be conducted. Any reports of transportation of weapons or ammunition from outside of the area in connection with a civil disturbance must be fully checked out.

You must utilize all the sources and informants available to you to insure that the intelligence information developed by you is thorough and complete in regard to any organized or outside involvement.

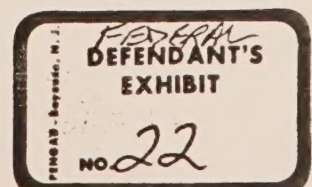
Very truly yours,
John Edgar Hoover
Director

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(A) RACIAL DISCRIMINATION. -- During the past several years, the Commission has been engaged in a study of racial discrimination in the United States. The Commission has conducted extensive research and has held numerous public hearings. It has also conducted extensive research and has held numerous public hearings. It has also conducted extensive research and has held numerous public hearings.

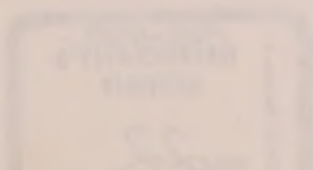
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Very truly yours,
John Edgar Hoover
Director

U.S. DEPARTMENT OF JUSTICE
OFFICE OF THE INSPECTOR GENERAL
WASHINGTON, D.C. 20535

55 AUG 15 1967
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